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THE NATION

DECEMBER 14, 1970 *35 cents*

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The Private Bill: GROWING RICH ON THE ALIEN
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Corporate Responsibility: Politics by Other Means

Hazel Henderson

●

Lawyers for the Poor

'SOMEBODY IS ALWAYS OFFENDED'
Sheldon L. Greene

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LETTERS

GIs on record

DEAR SIRS: We, the [twenty-three] undersigned active-duty members of the Armed Forces of the United States, wish to publicly register our dissent from the latest American expansion of the war in Indochina over the weekend of November 20-22, 1970. The bombing and invasion of the territory of North Vietnam constitutes an unwarranted provocation and betrays the Administration's loud proclamations of peaceful intentions. Only a withdrawal of all our fellow American servicemen from Indochina can lead to peace and the safe return of captured Air Force and Navy pilots.

Robert K. Musil, *Capt., AGC, USA;* Thomas A. Pallen, *Capt., FA, USA;* Allen G. Deck, *Sp5, USA;* William E. Fogel, *Pvt., E-2, USA;* Lee R. Culbertson, *Sgt., E-4, USAF;* Richard E. Honea, Jr., *Sp5, USA;* Steven P. Azlin, *J03 (E-4), USN;* Laurence C. Cunningham, *Sgt., USMC;* Diane F. Martin, *Airman, USAF (WAF);* Charles G. Spradling, Jr. *(J.D.), CPT, JAGC, USA;* Michael H. Shenkman, *Sp5, USA;* M. Thomas Milbourn, *2Lt., USAF;* Roberta A. Elmore, *2Lt., WAC, USA;* Gerald Burris, Jr., *Sp5, USA;* James R. Dorsey, *Sp4, USA;* Lincoln S. Bates, *Sp5, USA;* John E. Grady, *Sgt., USAF;* Joseph F. Houston, *SSG, USA;* Harold W. Butts, *TSGT, USAF;* James C. Rustman, *Sp4, USA;* Richard W. Teeters, *Pvt., USA;* Robert C. Dacey, Jr., *A1C, USAF;* Thompson P. Goldsmith, *Seaman, E-3, USCG.*

N.B.: Serial numbers accompanied all signatures.

campus or rice paddy?

Newark, Ohio

DEAR SIRS: In "Who Dies in Vietnam" [*The Nation,* Oct. 12] Lucian K. Truscott IV discussed the well-known fact that riflemen in the infantry get croaked much faster than any other group. We figured our estimates wrong in World War II and elsewhere, with the result that quite a few Air Force and Service units got levied for replacements around December 1944. The Germans did much the same earlier. . . . So what else is new? Naturally, where there is a choice of signing up to be a fighting QM around the port or being drafted to haul an M14 or a Space Age Wonder into the boondocks, some prudent lads are foresighted.

As for the National Guard and USAR being a refuge for the upper class and an easy out, I wonder where he got his clues. I have been in the Ohio National Guard for twenty-four years and haven't seen too many well-loaded sorts in it. . . . Easy out? Ask some of the guys who went to the 1968 prison riots in Columbus, or those who clean up after dangerous train wrecks because local fire departments are short of men and heavy equipment, or those who go on flood relief work. It isn't all shooting innocent rock tossers full of holes, by a long shot. A hell of a lot of people are glad to see the Guard arrive, even at riots. . . .

John P. Conlon, Ohio National Guard

New York City

DEAR SIRS: Despite his lengthy absence from active service, Mr. Conlon seems to be clinging tightly to a common characteristic of many officers I have known: the strange ability to see things the way they want them to be, not the way they are. My article was concerned with *draftee* deaths, not simply those of riflemen. And I would suggest to Mr. Conlon that he ask those poor, put-upon Guardsmen he describes if they would trade a train wreck or a college campus for a rice paddy. He might be surprised by the answers.

Lucian K. Truscott IV

EDITORIALS

The Prisoners as Pawns

It is now plain that President Nixon is using the American prisoners of war in North Vietnam as cat's-paws in his struggle to achieve a military victory that will facilitate his re-election in 1972. The North Vietnamese have been culpable in refusing to furnish complete lists of the men they are holding, to allow communication with their families, and to repatriate any who may be seriously ill or incapacitated. They have played into the hands of the Administration's public relations experts by these omissions. But what Mr. Nixon is doing is morally even worse—he is making the prisoners pawns in an international power play with distinct domestic overtones as well.

Without exception, the American people share a common concern for the prisoners, concern for their immediate safety and welfare, and for their eventual release. Only a heart of stone could fail to sympathize with the relatives of these men—some of them wives who for years have been unable to learn whether their husbands are dead or alive. Nor is there any question that in the attempt to retrieve some of the POWs a high degree of bravery was demonstrated.

But suppose that the quality of our intelligence had matched the gallantry of the would-be rescuers. The prison camp would not have been guarded by a few North Vietnamese caretakers: an adequate force of disciplined troops would have been in charge. When the American commandos crashed their lead helicopter in the compound, some of the North Vietnamese would have shot it out with the invaders, and others would have slaughtered the prisoners. This is not a nice war we are engaged in; there has not been a dirtier one in modern times. We might have succeeded in getting a few prisoners out; by all indications, the rest would have been killed. Whatever the misdeeds of the Vietcong and the North Vietnamese, we know—we have seen it on TV—that the South Vietnamese kill and torture prisoners who are turned over to them by the Americans, who stand by watching the torture. We know what happened at My Lai. Our POWs would not have gained their freedom; they would have lost their chance of returning home. The only sure and safe way of getting them back is to end the war. But Mr. Nixon has no intention of doing that, except on his own terms.

The entire combination of mass bombings and the prisoner-rescue operation of late November was, in its domestic aspect, a gigantic feat of press agentry. The President and Secretary Laird vied with each other to deceive the American people; the latter sturdily denied bombing attacks in the vicinity of Hanoi, until they were disclosed by Mr. Nixon when he had 125 veterans of Vietnam at the White House for Thanksgiving dinner. The commando raid—which the White House uses to justify the bombings far north of the DMZ—was a fiasco, but even so it is the keystone to a public relations campaign, complete with a professional money raiser and 600,000 letters signed by Jimmy Stewart, the actor and Air Corps combat veteran of World War II, beginning: "Mommy, will Daddy be

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home for Christmas this year?" Radio and TV are being saturated with appeals; bumper stickers have been printed with the slogan, "Have a Heart, Hanoi." The commando phase of the operation, if it had been able to rescue some prisoners, would still have been only part of a grandiose public relations project.

The latter goes on, and affords alluring opportunities for a President of Mr. Nixon's temperament. The French stopped sending draftees to fight in Indochina; Mr. Nixon can do that too. Thus he can muffle public outcries against an indefinite continuation of the war. He can bomb Hanoi. He can mine Haiphong Harbor. He can comply with Ky's pleas to be allowed to invade the North with the best detachments the ARVN can muster. He can even bomb the Red River dikes—a devastating blow at which Lyndon Johnson and the Joint Chiefs of Staff boggled. He can stop withdrawing American troops on the basis that as long as Hanoi holds American prisoners, no settlement is possible and the South Vietnamese must continue to receive aid not only from the air but in ground operations in Laos, as a follow-up on the invasion of Cambodia.

Even more tempting forms of pressure present themselves. The Green Berets are in the depths of a depression from which the November 21st affair gave them something of a lift. There may be other missions for them, if not as well publicized. On November 12, the *International Herald Tribune,* published in Paris, speculated that they might be given work in the Middle East, and went on to say:

> Another direct-action mission, already assigned, would dispatch teams of ordnance experts by submarine or helicopter into an enemy area to emplace and detonate a small atomic demolition charge next to a high priority target, where bombers or missiles might not be accurate enough. Any such mission would be directly controlled by the President, sources said.

Mr. Nixon has said he will "use any means to get the prisoners released." Nuclear means are not excluded, and in this form would arouse less repugnance than air drops and other measures which might involve civilian casualties and bring back memories of Hiroshima and Nagasaki.

There is every reason to believe that the Administration has given up on the Paris peace talks. The enemy will just not come to heel. Whether intended or not, the effect of the recent stepping up of hostilities has been to condition domestic opinion to whatever measures Mr. Nixon may choose to exploit next.

As Senator McGovern has recently recalled, Mr. Nixon, when running for the Presidency, said he had a plan to end the war which he would reveal if he was elected. After a year in office, he offered the Vietnamization formula. It is now evident that Vietnamization, in McGovern's words, "is not a formula for ending the war but for continuing it by manipulating American public opinion to accept an indefinite American involvement in Indochina."

Not only continuing it but, if Mr. Nixon deems it necessary, intensifying it. All Mr. Nixon must guard against, in the present state of public lethargy, is sharply increased American losses. But there is a weakness in this strategy. Mr. Nixon now has all his eggs in the Vietnamization basket, and he can control only American

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strategy, not what the enemy may choose to do. The enemy has options too. With the Chinese recovered from the convulsions of the cultural revolution, there may, for instance, be trouble on the Thailand borders; or the two princes, Souphanouvong and Sihanouk, may combine forces for ends that Mr. Nixon would find detrimental, even lethal, to his hopes for 1972. Nor can he afford to forget that even Air Force casualties may become a source of prime concern as the years go by. In the meantime, the prisoners will wait, and wait, for their release, as the rest of us wait for an end of this war which is indeed an idiot's delight.

Bureaucratic Obfuscation

Not so long ago it was relatively easy for the reasonably well-informed citizen to keep score on the political game. A bill was defeated or passed or vetoed; an amendment won or lost; an appointment was approved or rejected. But the art of bureaucratic obfuscation or public relations gimmickry has changed all that. Now the citizen would need a corps of intelligence experts to discover what has happened to the public interest in any one of a dozen or more issues on the current agenda.

Consider, for example, the legal services program (see article p. 624 this issue). Of all that is left of the great war on poverty, the legal services program has been high on the list in terms of acceptance and relevance and effectiveness. It has gained surprising approval in and out of Congress. The National Advisory Committee on Legal Services has been thoroughly representative and responsible. In part, the program has won wide acceptance because the emphasis is essentially conservative; helping the poor secure their legal rights hardly amounts to dynamic social change, much less revolutionary activism. Because of its popularity, the program has been able to resist direct attack. At the same time, a legal services program for the poor is, by its very nature, certain to arouse intense local opposition. To permit a Governor Reagan or a Senator Murphy to have in effect a veto over legal services activities in California would be to rob the program of its inherent promise. Yet under the rubric of "regionalization," a concerted effort has been made to give local political figures an increasing control over the program and to bypass the National Advisory Committee.

The issue *seemed* to be resolved when Donald Rumsfeld, Director of OEO, announced on November 15 that legal services would not be regionalized. But he then issued a set of "guidelines" which are aimed at accomplishing the very regionalization of control he had rejected in name. Somewhat later, he abruptly dismissed the two officials, Terry F. Lenzner and Frank N. Jones, who have been largely responsible for the success of the program. In a news release announcing these dismissals, Mr. Rumsfeld cleverly included a report of a conference with Edward L. Wright, president of the American Bar Association, the inference being that Mr. Wright had approved the dismissals. This was quite untrue, and Mr. Wright promptly issued a statement rebuking Rumsfeld for the attempted deception.

All of this wheeling and dealing and double-dealing has had as its objective emasculating the legal services program while appearing to support it. The comments of Frank N. Jones, one of the ousted officials, are apt and succinct: "The fact of the matter is that the people who run this agency and this country don't know anything about the poor and don't care to know. There is something dishonest, immoral and possibly illegal about pretending to be concerned about the poor as Mr. Rumsfeld does on the one hand, and using his position and resources as director of OEO to further his own political end and the careers of politicians whose interests are diametrically opposed to those of the poor."

Fortresses of the Law

On August 7, the kidnap-escape attempt in Marin County cost the lives of Superior Judge Harold Haley and three of his abductors, and left a deputy district attorney crippled for life. The response was general shock and a quest for remedies against future violence during court procedures. In the November 2nd *Nation,* we ran an article by Justice Stanley Mosk of the California Supreme Court about the problem of what happens when courtrooms are turned into citadels. By all indications, the effects of Marin County have not been ephemeral, and the majesty of the law will undergo a grievous transformation.

The *Los Angeles Daily Journal* (November 13) carries an account of the new atmosphere by Clifford P. Cheney. The open courthouse is a thing of the past. The citizen who has business there, or comes to view justice at work, may enter, but he must show identification, sign a register, and submit to a search for concealed weapons. Women's handbags and all packages are inspected. Once in the courtroom, he sits under the eyes of armed bailiffs, and the judge himself may be packing a handgun under his robes. The Marin County Board of Supervisors has approved for this fiscal year an appropriation of up to $300,000 for added security. Some $250,000 is expected to be spent on a seventeen-man internal security force to guard doors and roam the civic center with weapons and two-way radios. In the meantime, the sheriff's patrol and jail deputies are working overtime to guard the premises from outbursts of violence.

Similar and more elaborate measures are being instituted in courtrooms all over California. The fears of the judiciary and other authorities are understandable, but there is also considerable criticism. The architect who oversaw construction of the Marin County Civic Center said: "It's impossible to secure a building like this. We're coming to a police state." Marin County Supervisor Louis H. Baer declared: "We must not succumb to this virtual blackmail" by underground groups. Supervisor Michael Wornum argued that in trying to "defend the institution we may lose our freedom."

They are right, of course. What hardly anyone says is that the underground groups did not spring up spontaneously in the United States, any more than in Czarist Russia. Social conditions bred them. They are, for the state, the wages of social sin. Until the underlying injustices are corrected, justice will suffer under increasing disabilities.

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Too Large a Victory

Not surprisingly, the government ARENA Party won a stunning "victory" in the recent elections in Brazil. The country is now, for all practical purposes, a one-party state. The government party "won" 90 per cent of the Senate seats, 70 per cent of the seats in the Chamber of Deputies, and all but one of twenty-two governorships. ARENA did not want to win by such a wide margin; the virtual elimination of the opposition confirms what the world has known for some time—political democracy is dead in Brazil. Spokesmen for both ARENA and MDB (Movimento Democratico Brasileiro, the opposition party) have expressed embarrassment—the first because it did too well, the second because it fared so badly. About 55 per cent of those who showed up to vote did not bother to cast a ballot for either party; of 29 million eligible voters, some 30 per cent stayed away from the polls despite the threat of fines.

If ARENA's sweep was larger than it expected or desired, it was not surprising. Censorship was complete; press, radio and television fed a steady diet of propaganda to the voters. Opposition politicians who attempted to campaign were intimidated. In the last Congress, eighty-eight of the 409 members of the Chamber and five Senators were deprived of political rights. So the voters—those, that is, who bothered to vote—decided to give ARENA what it appeared to want: a smashing "victory." If it turned out to be a bit too smashing, the voters are not to be blamed. Abstention can be dangerous in Brazil, and a vote for MDB would have been absurd, since an opposition party can make no impression in the present political setting. The voters at least succeeded in embarrassing the government—a feat that well-confirmed stories of political torture have not achieved. Some citizens, it is reported, even managed to get a pair of shoes for their votes.

The Fossil Fuel Crisis

Fossil fuel is the inclusive name for coal, oil and natural gas. A caption in the well-edited and handsomely presented *Nuclear Industry* (September) reads: "Fossil Fuel Price-Supply Crisis Leads to TVA Orders for Two Westinghouse and Two B&W Nuclear Units." (B&W is Babcock & Wilcox; TVA, it explains, split the order between two manufacturers to "spread the risk" of delayed delivery.) The key sentence in the lead paragraph of the article explains that "skyrocketing fossil fuel costs—and the inability to get adequate deliveries at *any* price (emphasis added)—left TVA no choice but to go nuclear, it says." The system is down to a ten- to twelve-day supply of coal. "Frankly I'm scared," the TVA power manager recently told a Senate committee. Oil, then? "We were in touch with every major oil company and every broker in the United States, but we haven't been able to find any oil. Most of the companies won't even come talk to us." Oil prices have gone up 60 per cent.

What goes on here? One reason TVA needs coal so badly is that its Browns Ferry nuclear units are a year and a half behind schedule. The power companies, public and private, are between the devil and the deep blue sea. If they order nuclear units, they are beset by "slippage" due to technical difficulties. If they stay on coal or oil, they must pay unconscionable prices to get even part of the quantities they require. Cincinnati Gas & Electric says its coal costs have increased as much as 25 per cent in the past year, and on spot orders the cost has doubled. Nuclear costs are stationary at present and studies indicate they will go down during the 1970s while coal prices will continue to rise. And so will oil. The oil companies did not find it profitable to produce "residual" oil, the heavy type that power stations burn, because the lighter distillates could be sold more profitably. The Nixon Administration stated insouciantly that the market would take care of that situation: as residual oil prices rose, so did production. Of course the power consumer would pay the bills, but who cares about him?

There is no room in a brief editorial for a comprehensive discussion of the whys and wherefores of a complex situation, but one phase is worth noting. TVA accounts for the coal shortage in this way: "For one thing, there is a seller's market for coal and . . . little or no price competition among coal producers. Through acquisitions and consolidations, most of the nation's coal reserves are owned by a relatively few large companies. Most of the parent companies are major oil companies which also control much of the nation's gas, oil and uranium reserves. The new owners are demanding a higher profit on their investment than was traditional among independent coal producers."

The squeeze will be not only on the power companies. Lighter oils, such as No. 6 for large buildings and No. 2 for family residences, are also rising. The blessings of free enterprise under Richard Nixon are upon us.

Full Circle

Again and again, to the point of combat fatigue, *The Nation* has suggested of recent years that J. Edgar Hoover should retire. We have cited reasons that to us seemed entirely adequate and in the interest of the country. Gradually a parallel set of reasons has emerged. The idol of a multitude of Americans was losing his grip, falling increasingly out of touch with reality. It was in the interest of Mr. Hoover himself to reap the reward of his labors in more or less honorable retirement.

But he wanted to stay on and until recently he played an astute political game. One of his recurrent ploys was the big press release to unveil a secret menace, which the FBI could cope with only if given additional funds. For years, both before and after World War II, it was the Reds. The Mafia was a minor target and, since everybody was shooting at the Black Panthers, they were not exclusively Hoover's either. He has not cited Women's Lib so far, although some of these ladies, to a man of Mr. Hoover's age, might be a clear and present danger.

But now the aging lawman has gone quite out of control. He has picked on the Catholics, a most unlikely and even dangerous target. Of course the Church is divided and in some quarters the Berrigan brothers are out of favor; but they are still members of the clergy and many Catholics—especially among the Jesuits and other orders—secretly, and sometimes not so secretly,

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sympathize with them. The implications of Hoover's latest blast are so reckless, that they have boomeranged.

Not stopping with the alleged Catholic conspiracy, Hoover has also exposed partisan political bias in almost pathological form by tackling Ramsey Clark and the late Robert F. Kennedy (who still has millions of admirers) in the same statement. Likening a former Attorney General to a jellyfish is hardly the way to demonstrate respect for law and order, aside from the fact that the comparison suggests that Hoover has never encountered the larger medusas in their normal habitat. Hoover has also smeared the late Dr. Martin Luther King, both before and after death.

Congress has been traditionally fearful of the great leader of the G-men, but a current sign of his decline is that Rep. William R. Anderson (D., Tenn.) has challenged Hoover to prove his case against the Berrigans by indicting them. True, Anderson is no ordinary Congressman. He is a retired Navy captain, skipper of the nuclear submarine *Nautilus*—that kind of fellow. But he will not find himself alone. There is a point at which the Congress rebels, and in Hoover's case it may not be far off. Pete Hamill has summed it up expertly: by tackling the Catholics, the earliest targets of the country's bigotry, J. Edgar Hoover "has finally come full circle in this history of American paranoia." If he acts soon, he can still get out, one would hardly say gracefully, but without being actually pushed.

THE PRIVATE BILL

GROWING RICH ON THE ALIEN

THOMAS DENNIS WILLIAMS
Mr. Williams is an investigative and federal court reporter for The Hartford Courant.

Exploitation of the naive alien poor is an ancient racket, not restricted to this country. English entrepreneurs smuggle Indian aliens into Great Britain on false immigration papers, then milk their victims dry. West Germans import Yugoslavs, find them low-status jobs, and siphon off their incomes. And since before World War II, the Japanese have exploited Koreans immigrating into cities to take such dirty jobs as rag picking, mining and railroad work.

In the United States, "land of opportunity" for the immigrant since colonial times, the exploitation process operates at several levels, of which the most sophisticated—and most expensive—is the private immigration bill. An alien who does not respect the law can sneak into the country illegally, or he can come in on a legal temporary visa, intending to dodge the immigration authorities when it expires. Many illegal aliens do go into hiding, but of course they have no need of a lawyer until they are caught. It is the alien who wants to obey the law, and is willing to work hard to pay for legal advice, who is most frequently exploited. If the alien has an obliging and rich relative, he won't have to work as hard.

In many cases, those who come here on a short visitor's visa, with intentions of staying permanently, are from Greece, Italy, Portugal, the West Indies, and other countries where U.S. quotas are backed up. The would-be immigrants do not want to wait in line for years, and they take the plunge on a vague hope that, somehow, some day, they can become legal residents, even citizens. But soon the first visa runs out and they must apply for another. Often, because they fear that their real motive —to achieve permanent residence without waiting out the quota—will be detected, they hesitate to face immigration officials by themselves. So they look for help.

There are only three semi-professional or professional men in the urban community who can give the threatened alien what he needs. They are the immigrant or second-generation middleman, the travel agent and the lawyer. The middleman, who usually lives or works in the neighborhood with aliens and immigrants, and who can talk to them in their own language, has become through experience both an amateur lawyer and travel agent. For fees much smaller than a real agent or real lawyer would charge, he handles a great number of minor passport and visa problems. His facility with the alien's language qualifies him as a go-between to the lawyers, from whom he often receives kickbacks.

The travel agent, who meets thousands of aliens arriving each year on business or vacation trips, makes larger fees for the same services offered by the middleman. The agent usually has better political contacts. He is also

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a notary public and can certify the multitude of documents an immigrant will eventually need for the authorities.

But by far the most important figure in the alien's struggle to stay here permanently is the lawyer. Lawyers are influential; they make the law; they have the contacts. Many attorneys move into positions of political power or have associates in government posts. They know the politicians, lobbyists and bureaucrats who hold sway over immigration laws.

It is impossible even to estimate the yearly take of lawyers and others who make their living from the problems of often helpless aliens. Few will talk frankly, and many of the transactions are made in cash. However, a *Hartford Courant* investigation, which stretched out for almost a year because both the Immigration and Naturalization Service and the Justice Department refused to release the addresses of Connecticut's aliens, revealed that attorneys' fees for immigration work range from $200 to $5,000 per client. From interviews with 150 aliens in the state, it appears that the most successful practitioner of this specialty is attorney George Athanson, Hartford's Deputy Mayor.

Athanson's retainer fees, between $1,500 and $5,000, run considerably higher than final fees charged by other attorneys in Connecticut. Letters from Athanson to his clients showed that in just two years his fees from eight Portuguese, three Brazilian and two Greek aliens totaled close to $30,000. And this business, documented in the investigation, may be only the tip of the iceberg. Through his years in practice, Athanson has dealt in that popular legal gimmick: the private immigration bill.

Such a bill, which must be passed in the U.S. Congress, sets up an individual exception to federal deportation laws. It was designed for hardship cases, and was first used extensively after World War II to give special consideration to displaced persons. Although it was originally intended to aid in such cases as the adoption of orphans and quick citizenship for disabled relatives, it has been perverted by a segment of the nation's lawyers into a tool for stalling deportation while they extract huge fees from their client-victims. Because a private bill of this sort can be reintroduced in Congress, it can stay in legislative limbo for two to eight years. Meanwhile, the alien is under "suspended status" and can legally seek employment, a large part of what he makes going to his lawyer.

To introduce a bill, a lawyer must curry sponsorship from a Senator or Representative. Of course, the alien can always apply directly to the Congressman, but in Connecticut, at least, it apparently helps to work through legal channels (all eight members of the state's 1969 Congressional delegation were lawyers before they became full-time legislators).

Although the bills are introduced without expense to the alien, Athanson's letters to his clients itemize fees as high as $4,000 for his efforts to obtain the legislation. Investigation found that Athanson introduced his bills through five members of Connecticut's Congressional delegation. Those Representatives and the numbers of bills they accepted from Athanson during the past two years include: Rep. Emilio Q. Daddario of Hartford, a Democrat, three bills; Rep. Thomas J. Meskill of central Connecticut, a Republican, two bills; the late Rep. William St. Onge of northeastern Connecticut, a Democrat, one bill; and Sen. Thomas Dodd and Sen. Abraham Ribicoff, both Democrats, two bills apiece. In the November elections, Meskill was elected governor, Daddario ran for governor and was defeated, Dodd ran for the Senate as an independent and was defeated.

The only Congressman investigated who was found not to have accepted bills from Athanson or other high-priced attorneys was Rep. Lowell Weicker, Jr., of Greenwich, a Republican who has now been elected to the Senate. Weicker was alone in requiring a form, signed by both the lawyer and the alien, in which both parties swore that no money was exchanged strictly for the introduction of immigration bills. This form, however, does not guarantee that the alien will not be exploited in other ways.

Only two Congressmen, Rep. Robert N. Giaimo of New Haven and Rep. John S. Monagan of Waterbury, both Democrats and both re-elected, refused to disclose addresses of aliens applying for their private immigration bills, or to discuss oddities in their bill records. Monagan, whose constituency includes a high percentage of urban aliens, used to introduce a number of immigration bills, but in the most recent Congress he accepted only one.

A Chinese immigrant, using a lawyer friend who is charging him no fee, said he is applying for a bill through Giaimo. The office of the Connecticut Secretary of State records that in 1968 this alien contributed $800 to Giaimo's campaign. If the bill passes, the alien will gain the right to permanent residence for his family of four now living in New Haven. Another New Haven alien who has hired a lawyer to promote a private bill also sponsored by Giaimo contributed $50 to the Congressman's campaign fund in 1968. The alien claims that his lawyer's fees are small.

The family of an Italian immigrant, also living in New Haven, has contributed to the campaign chests of two candidates. A private immigration bill was introduced for them by Giaimo, but they claim to have hired no lawyer to advance their case. In 1966 the family contributed $50 to Giaimo's campaign. In 1968 they raised their contribution to $100 and also gave $50 to Senator Ribicoff's campaign. Asked about their private bill, which still had not been acted upon, a relative of the alien became very nervous; she later called Giaimo's office to find out who was investigating the family's case.

An Enfield woman reacted in another way to *The Courant*'s investigation. She wrote a letter to the editor, describing how Senator Dodd had helped retrieve what she considered excessive fees from an attorney working on her alien relative's immigration case. The newspaper account, she said, had caused her to complain to the attorney, who told her not to worry about the story. She then turned to Senator Dodd, who was indignant about the size of the fees. Later, Dodd's office forced the lawyer to return all fees save $200 in expenses; and the Senator himself introduced a private bill for the alien relative.

Ironically, Athanson still has pending two other private immigration bills sponsored by Senator Dodd, each of

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which involved fees to the clients of $2,500. When Dodd's office sent disclosures to *The Courant* regarding immigration bills, the aliens in question were listed with the caption, "no attorney involved," or with their addresses and no other comment. Investigation disclosed that those in the latter group almost always had attorneys. It is hard to believe, then, that Dodd was previously unaware that Athanson and other lawyers were profiting handsomely by initiating the Senator's bills.

Another attorney found to be making money through a Dodd bill was Louis Gladstone, Connecticut's state comptroller. A Bridgeport man claimed that Attorney Gladstone wanted a fee of $1,000 to introduce an immigration bill. Asked about this, Gladstone would neither confirm nor deny the fee. "You'll have to get a release from my client before I disclose the fee," said the lawyer. Later, Gladstone's client said he had never asked for a receipt for the $1,000, made in two $500 payments; he was not willing to sign a paper agreeing to make the fee figure public. Gladstone alleged that this Bridgeport client also needed legal work to be done on immigrant labor certification papers, but never returned to his office to have the details completed. The client not only denied this but also said that Gladstone had asked him for another $1,000 in the event the bill was passed by Congress and signed into law.

Getting a bill passed is a complex process and the odds are heavily against the alien applicant. Only one of thirty-five passes both the Senate and the House of Representatives and is approved by the President. Connecticut's Senators and Representatives have introduced nearly 200 such bills in the past two years. Not one of the state's Congressional delegation knew for certain how many of them were passed, but the best estimate was six. On the national level, 7,293 bills were introduced in the 90th Congress and only 229 became law. Most recent figures show that 5,620 bills were introduced in the first session of the 91st Congress; only forty-nine were passed.

A prominent immigration lawyer who practices in Washington agreed that the private bill has become a racket. "Lawyers have taken advantage of the situation to delay the status of immigrants and make high fees," he said. "I have also heard that some members of the Congress have used their private law offices for the same purpose." Asked what the fee to introduce a bill should be, he replied, "No fee should be charged specifically for the introduction of a private immigration bill. I charge in cases where there are deportation hearings and actual complications in the immigration procedure."

Once the alien has paid a substantial amount of money to a lawyer, he is hooked into the system. He becomes angry and frustrated, but keeps paying the price. Here is what one immigrant, a Greek sailor who jumped ship, had to say about his dealings with Athanson:

"I was really mad when I found out what he was doing to me. I wanted to go to the newspapers and complain. But I talked with some Greek friends in Hartford about my problem with him and they told me: 'You can't do that to him. He's a Greek and he's running for the city council.' "

After jumping ship in the summer of 1966, the Greek merchant seaman had lived in the United States illegally for a year before looking for legal help. Some Greek friends sent him to Athanson. At their first meeting, the lawyer talked to him in Greek and told him it would cost $700 or $800 to make his stay here legal.

The Greek said that Athanson told him the usual charge for immigration work was between $2,500 and $3,000, "but since you are my friend, I will charge you only $1,500." It does seem true that Greeks get "bargains" of this sort from Athanson. During the year and a half that the former seaman did business with him, Athanson continued to charge for various services. Some of the bills—including disbursements for telegrams and other expenses for visa extensions—caused the alien increasing concern. Yet later, when he needed help for his brother who also jumped a Greek ship to live in the United States, the client again turned to Athanson. This time the fee was even higher: $2,500. Although the client again balked at the price, he agreed to pay his brother's fee in installments.

Athanson's high prices finally shocked the alien when he personally went to New York City to arrange for his brother's Greek passport. It cost only $8, whereas Athanson had charged him $200 for his own.

But the alien kept on with Athanson until, needing some legal papers translated from German to English, he discovered that Athanson's fee for this feat of scholarship would be $250. "This really made me suspicious," said the alien. He had meanwhile married an American girl, who decided to work on her husband's citizenship problems herself. On her first visit to Hartford's immigration offices, she was told her husband didn't need a lawyer. She processed the paper work and within a month received his permanent residence card. There was only a small fee for registration. "It was very complicated and aggravating," she said, "but it only showed us that money spent on a lawyer was ridiculous."

Athanson said he received only a total of $900 from the two brothers. The lawyer also challenged the wife's version of the story. He claimed she threatened to withdraw her husband's application for permanent residence; and that the couple's marital troubles caused him considerable aggravation and expense. In the course of his business with Athanson, the sailor said, the lawyer suggested that he contribute to Senator Ribicoff's campaign fund. The immigrant was told that the Senator aided Athanson in expediting paper work. Athanson said he doesn't recall ever having suggested that any client make a contribution to another politician's campaign. He did admit sending out requests to many of his clients for contributions to his own political campaigns. Investigation disclosed that many immigration attorneys, including Athanson, made at least token gifts to the political campaigns of Representatives who introduced their clients' immigration bills.

A minister, who came from the West Indies as an immigrant and has seen the whole legal problem from the inside, offered a sophisticated view: "It is the law that's the problem. Your law and the lawyer. Your whole judicial system. It pretends to make laws for the immi-

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grants' benefit when it is actually trapping them into paying fees to a lawyer."

Federal opinion about immigration law is reflected by a statement in the 1961 U.S. Code Congressional and Administrative News for the first session of the 87th Congress: "The alien whose sole immigration offense is, perhaps, a defect in his visa, or an overextended stay as a visitor, usually accepts the order of deportation and departs. Other aliens, mostly subversives, gangsters, immoral or narcotics peddlers, manage to protract their stay here indefinitely only because their ill-gotten gains permit them to procure the services of astute attorneys who know how to skillfully exploit the judicial process."

The fact is that lawyers take as much or more money from hard-working aliens who overextend their stay as they do from subversives, gangsters and drug peddlers. And while Representatives and Senators readily talk about the judicial system's problems, they don't often discuss the favoritism that is sometimes obvious in their private immigration bills. Nor do they raise the fact that the practice has become so commonly abused that thousands of these bills clog the Congress, taking up more than 20 per cent of the legislative calendar in some years.

The House Judiciary Committee has added a stipulation to its rules of procedure which became effective March 12. Under the new Rule 6, deportation cannot be deferred in the case of beneficiaries of private bills who entered the country as "visitors, exchange visitors, students, stowaways, in transit or deserting seamen, or by surreptitiously entering without inspection through the land or sea borders." This rule does not apply when such aliens gain a waiver of hardship. And its application is limited to the House, thus leaving the Senate wide open for lawyers with political connections to continue business as usual.

Reform of the immigration laws to minimize both the exploitation of and the discrimination against aliens is not on the horizon, according to Washington officials close to the situation. The Senate's immigration subcommittee is controlled by Southerners who are far removed from the problems of immigrants flowing into Connecticut, New York and California. When interviewed, one aide of a prominent Southern Senator on the subcommittee continually confused the words "immigration" and "integration." He seemed to be saying, "You in the North have your immigration problems, while we in the South have our integration problems."

Since *The Courant*'s article was published, however, two major investigations have started. Both the Connecticut and Hartford County bar associations have directed the state police to look into the practices of several local immigration lawyers. And Sen. John J. Williams of Delaware took the floor in August to urge both the Judiciary Committee and the Justice Department to investigate present immigration practices and alleged "immigration rackets."

Earlier this year, Senator Williams had initiated an investigation by the Senate Ethics Committee, based on charges in other newspapers that Chinese ship jumpers were paying off lawyers, lobbyists and Congressional offices to introduce private immigration bills. Despite reliable information that more than $2 million was paid annually in these types of deals, the Ethics Committee exonerated all Senate offices said to be involved in the transactions.

Presumably the findings of present local and national investigations will be made public in the near future. In the meantime, the immigration problem will continue. Said one lawyer who investigated the situation in Connecticut: "The immigration practice is a lawyer's playground. The law shouldn't be set up for lawyers. It should be set up so the people can understand it." □

CORPORATE RESPONSIBILITY

POLITICS BY OTHER MEANS

HAZEL HENDERSON

Mrs. Henderson has written for the Harvard Business Review, The Saturday Review, *the* Columbia Journalism Review *and other business and general publications. She is a director of the Council on Economic Priorities, New York and Washington, which prepares reports on the performance of business in the areas of pollution, minority hiring, military contracting, and foreign investments.*

The current pessimism as to the ability of our political system to respond to change may reflect a narrow definition of "politics." [See "Politics of Dead Center: The Artificial Majority" by Theodore J. Lowi, *The Nation*, December 7.] Especially today, we need to remember that politics covers a much broader area than merely those activities through which the citizens elect representatives to various national, state and local legislative bodies. The word also means "the total complex of relations between men and society." Whenever and wherever issues of power arise between people, "politics" occurs. Therefore, as some continue to fight on the electoral front—scuttling seniority rules and the Electoral College system, overhauling Congressional ethical standards, abolishing unrecorded teller votes, and tackling the serious abuses caused by unequal political access to television—it is as important for others to focus directly on the parallel and often unchecked power of those informal and private governments, the large American corporations.

This new "movement for corporate responsibility," whose goal is to politicize such corporations, could become the most significant political development of the 1970s. The extension of politics into what is nostalgically referred to as "private industry" will, in the view of many

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civic activists, open an almost untapped channel for organizing new constituencies. Many also believe that the corporation may prove more responsive to political pressure than has formal government—at least, the average age of its managers is considerably less than that of the leaders of Congress, and it depends on the brightest university graduates for its continued growth.

The movement began and will continue to draw its strength from the growing awareness of the enormous and often arbitrary social power wielded by these large corporations. A plaintive letter to *The New York Times* sums up this new awareness of corporate power, with its concomitant feeling of individual helplessness:

Dear Sirs:

I am disturbed and offended by your editorial statement that the Capitol Building belongs to the nation. This is a good example of the kind of muddled thinking that has led to the student revolt, riots and crime in the streets. In the interests of peace, plenty and the American Way of Life, you must print the truth:

The Capitol Building belongs to Senator Eastland.
The air belongs to General Motors.
The mountains belong to Con Edison.
The water belongs to U.S. Steel.
The oil belongs to Secretary Hickel.
The airwaves belong to NBC, CBS and ABC.
The courts belong to the rich.
The taxes belong to the working man, etc., etc.

Corporate power is encountered daily by millions of citizens who attempt to fight polluted air, oil-smeared beaches, plagues of nonreturnable cans and bottles, supersonic transports, rampant freeways, deceptive advertising, racial discrimination in employment, exploitation of natural resources, mushrooming shopping centers and housing developments, as well as huge military appropriations. In all such battles, sooner or later, they come up against some corporate Goliath, and find their slings unavailing. Newly radicalized, they learn that the 500 largest corporations not only control more than two-thirds of the country's manufacturing assets but also influence elections by carefully channeled campaign contributions that avoid legal restrictions. When, indeed, the law is observed. In a recent case, American President Lines and Pacific Far East Lines were fined $5,000 each under the Corrupt Practices Act for contributing to the campaign of members of Senate and House committees that control federal subsidies for the lines. No one knows how much money flows into the campaign coffers of compliant Congressmen, but ample channels are available—setting up special committees, "earmarking" a portion of a company officer's salary raise for political support, or dispensing the money through lobbyists or other intermediaries. Corporations also wield pervasive influence on government policies and regulatory agencies by tacitly holding out prize industry jobs to sympathetic officials on their retirement from government.

In addition, corporate lobbyists and Washington law firms regularly emasculate new legislation, in spite of the opposing efforts of underfinanced citizen groups. In recognition of this, John W. Gardner's new organization, Common Cause, is trying to rally a countervailing "citizens' lobby." Through extensive influence on the mass media, corporations can manage public opinion on a wide range of social issues and affect national priorities in resource allocation. With advertising, they can sell, along with their products, such underlying assumptions as approval of the homogeneous, suburban, two-car, artifact-filled way of life.

As this submerged iceberg of corporate power becomes increasingly visible, the new politics of corporate responsibility is rapidly gaining constituents and developing both theoretical content and strategy. Activists have already discovered serious fissures in the seemingly in-

vulnerable corporate armor; notably its fear of "bad publicity," which can be exploited by "street theatre" tactics, and its slow reaction time and heavy-handedness, which can be used to abrade still more an outraged public opinion. The movement is becoming good electoral politics. Sen. Edmund S. Muskie, arguing for his National Air Quality Standards Act of 1970, asked rhetorically: "Are matters of the public health to be left to the decisions of the board of directors of these great motor companies?"

Much of the movement's initial impetus should be credited to Ralph Nader. It began defensively as "consumer protection," stressing full disclosure of information and legal redress of grievances; but as young recruits flocked to Nader's side and as other leaders emerged—among them John Banzhaf, whose test of the FCC's "Fairness Doctrine" released millions of dollars of free air time to anti-smoking advertisements—the movement

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turned to the offensive. Groups began actively seeking judicial tests of new tenets in consumer law; they began conducting such well-disciplined investigations as the now famous Nader's Raiders research studies of corruption and malfeasance in federal regulatory agencies.

As the young corporate crusaders became widely known and trusted, their exposés of corporate intransigence and disregard for consumer interests has brought the movement new recruits. Local civic activists found in the example of the Raiders a means to overcome their feeling of impotence when dealing with corporations and local governments. It was no plot; Nader's Center for the Study of Responsive Law, and the growing band of similar public advocate law firms (the Center for Law and Social Policy, the Citizens Advocate Center, the Environmental Defense Fund), as well as Saul Alinsky's Industrial Areas Foundation had simply confirmed the objective reality of the subjective experiences of millions of Americans. Local assaults against corporations were undertaken as early as 1967, when the militant black group, FIGHT, picketed the Eastman Kodak Company of Rochester to demand jobs. FIGHT won many concessions from the company at the annual meeting, where it came armed with proxies and with the support of local churches and civic groups. Other prototype corporate campaigns included the consumer boycott for minority jobs waged by Operation Breadbasket in Chicago; Project Equality, started in 1965 by the National Catholic Conference on Interracial Justice to withhold church purchases from companies which discriminate, and the diverse activities ranged against Dow Chemical Company's production of napalm.

In 1970, the movement to enforce corporate responsibility gained from the new public alarm over environmental pollution. Ecology produced new issues to add to the more familiar rallying points of Vietnam and racial discrimination. Environmentalists, enraged by huge corporate expenditures on apologist and often distorted advertising campaigns (they dubbed it "eco-pornography"), added regiments of potential activists to those willing to confront business in stock-proxy skirmishes at annual meetings. The most successful coalition of environmental, consumer and minority interests was the widely reported Campaign To Make General Motors Responsible, run by Philip Moore, Geoffrey Cowan, John Esposito and Joseph Onek. Campaign GM sought to add three public-interest directors to the auto maker's board and set up a shareholders' committee to report on the company's performance in consumer affairs, minority hiring and pollution control. Although it failed in its stated goals, it polled more than 5 million shares for each of its proposals and raised the issue of corporate accountability in a way understandable to millions of upper-income stockholders, as well as banks, mutual funds, insurance companies and other institutional investors.

Simultaneously, other proxy skirmishes were mounted, notably the Campaign Against Pollution's challenge to Commonwealth Edison of Chicago, which led to a strict new air pollution ordinance. This case illustrated the intertwining of business and government; pressure against the giant Chicago utility proving sufficient to lever action at City Hall. Other campaigns were conducted with varying degrees of success against Honeywell in Minneapolis, American Telephone and Telegraph in Cleveland, and United Aircraft in East Hartford. The Business Executives Move for Peace in Vietnam, with some 3,000 members, challenged corporate policies concerning Vietnam at the annual meetings of International Business Machines, Chase Manhattan Bank and the Bank of America.

Some groups went to court. The Scenic Hudson Preservation Conference, for example, established the right of citizen groups to participate in formerly narrow economic decisions, such as the siting of power plants. In another case, the United Church of Christ challenged the license of TV station WLBT in Jackson, Miss., for allegedly racist programming. This landmark decision established the right of civic groups to be party to FCC license-renewal hearings and reversed the FCC's decision to extend the station's license. The church group is now participating in an attack, on similar grounds, upon the license of WKRO in Cairo, Ill.

Still other groups have been testing the use of class action, which enables one or several plaintiffs to bring suit for damages against a corporation on behalf of a large number of injured parties. Using this device, two Chicago aldermen recently filed suit for $3 billion in damages against the big four auto makers in the name of all the citizens of Chicago injured by auto pollution. Class action is a powerful tool not only because it aims at the company's earnings but because judgments awarded are likely to be large enough to interest lawyers in working for a contingency fee.

The Medical Committee for Human Rights won an important victory in its suit against the Securities & Exchange Commission, brought after it sought, and was refused, permission to raise the issue of napalm production before the 1969 meeting of Dow Chemical. The July ruling by the U.S. Court of Appeals significantly broadened the scope of the corporate responsibility movement's future legal activities. Judge Edward Tamm stated: "We think there is a clear and compelling distinction between management's legitimate need for freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections." Prior to this broadened interpretation of shareholders' rights, the movement had relied largely on a ruling by the New Jersey Supreme Court in the case of *A. P. Smith* vs. *Barlow* that "Modern conditions require that corporations discharge social as well as private responsibilities . . . to insure and strengthen the society which gives them existence."

In this way, a new body of legal doctrine of corporate responsibility is steadily emerging. Critics of the movement, whether corporate leaders such as AT&T's H. I. Romnes; institutional investor Lawrence Rubin, president of the Scudder Special Fund, or lawyers and traditional economists, argue that campaigns directed against particular corporations are unfair, and that only across-the-board legislative action can insure uniformity

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of constraint on all corporations. Legislative remedies should certainly be pursued as vigorously as possible, but given the near paralysis of normal legislative processes, outpaced by rapid technological change and dominated by the very corporate power they seek to control, the next best traditional avenue of redress is the courts, which can act only upon presentation of specific cases that embody the conflicts and issues requiring resolution.

Another argument often leveled by critics, as when Milton Friedman commented on Campaign GM in a recent *New York Times Magazine* article, is that in a free enterprise, private property system, the responsibility of business is to assure the shareholder the largest possible return on his investment; and that the corporate manager, as an agent of the stockholders, has no right to make social decisions that might adversely affect profits. On a practical level, it can be argued in reply that the manager of a giant corporation, performing his everyday duties to improve stockholders' profits, also makes *de facto* social decisions that are often experienced by the public as unpleasant side effects. Society can therefore legitimately seek redress by taking the issue of management's actions back to their stockholders in the form of a proxy contest. On a theoretical level, however, one can agree wholeheartedly with Professor Friedman, and a remarkably similar analysis is at the very basis of the corporate responsibility movement. Its proponents agree that traditional economics and corporate charters *are* still governed by such outmoded tenets, but their radically different conclusion is that only massive external pressures from consumers, stockholders, employees, fiduciaries and the affected general public can hope to produce a new formulation of the corporation's mandate and the needed overhaul of economic theory. The goal is to replace what Kenneth Boulding calls the "cowboy," consumption-oriented economy with a new closed-end, "husbandry" economy that is needed for man to survive on "Spaceship Earth."

As the corporate responsibility movement broadens and diversifies into unexplored aspects of unrestrained private industrial power, it is to be hoped that each new campaign will illuminate an emerging issue. These endeavors will seek to redefine the corporate mandate through all existing legal channels and in the light of current needs, to arrive at a new balance between the often conflicting interests of stockholders, employees, consumers and the public. The new campaigns will be as diverse as the issues and the groups involved. However, the overarching theory is remarkably uniform, and strategy appears to fall into two broad categories. First, there are those who would spend their energy on national campaigns that raise national issues, in the style of Campaign GM, so as to create public awareness of the range of options available for adapting corporations to new social needs. Such groups play on the corporation's turf, seeking openings through which to reinterpret its rules, using sophisticated arguments and tactics to organize the corporation's latent countervailing constituencies, including students, institutional investors, employees, customers and conservationists, as well as mobilizing stockholders themselves. Such campaigns are generally more educational than "experiential," on the theory that a sophisticated approach must be used to radicalize bankers and affluent stockholders, who might be repelled by more direct tactics.

But there are others, like Richard Harmon of Saul Alinsky's Industrial Areas Foundation Institute, who undertake to build real constituencies at the local level, which express themselves through hundreds of local actions ranging from boycotts, proxy fights and picketing, to tying up the local franchisers of national companies. The educational component of such campaigns is necessarily sacrificed in order to provide more direct experiences for participants, to raise consciousness of group needs and power relationships; and to identify common problems and targets on which leaders can build cohesive communities.

In fact, all successful volunteer organizations employ both concepts, and the full range of permutations can be seen in the movement's organizations. There are objective, conceptual research groups. Of these, the Council on Economic Priorities prepares detailed profiles of corporate and industry-wide performance in four social areas (pollution, minority hiring, military involvement and foreign investments) for concerned shareholders, fiduciaries, religious and civic groups and citizens. The Citizens Communications Center combines research and legal advocacy to champion citizens' rights in broadcasting; the *Chicago Journalism Review* keeps Chicago's establishment press on its toes with exposés of corporate and civil corruption. Still others, often college students, prefer direct action with high media appeal, such as burying internal combustion engines or dumping truckloads of cans on the pristine lawns of their manufacturer's headquarters.

New precedents in environmental law are being developed by such crusading lawyers as David Sive and Victor Yannacone and by the president of the Sierra Club, Phillip S. Berry, who proposes enactment of a national corporations code and the amendment of all existing state corporations codes to specify that protection of the environment is one of the corporation's chartered purposes. The Lloyd Harbor Study Group on Long Island, in its current discussion with the Long Island Lighting Company, is negotiating for the company to finance an independent study group of technical and public health experts which would continuously monitor a proposed nuclear plant's radioactive effluent and thermal pollution. Dennis Farrar, of the volunteer Council of New York Law Associates, considers drafting model legislation to provide that all public contracts should include means for independent, affected groups to hire their own technical appraisers and legal advocates, and thus guard in advance against arbitrary or environmentally harmful planning decisions. Round Two of Campaign GM, announced recently, will elicit candidates for board membership in General Motors from various constituent groups, such as employees, dealers and stockholders. That is another attempt to restructure corporate decision-making patterns.

These and other efforts may eventually quantify "corporate responsibility" precisely enough to provide workable yardsticks for management to cite when facing stockholders. Managers will need such guides when the

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current doctrine of maximum profits gives way to new principles of recycling resources and absorbing all social costs in the price of the product. One of the *"Fortune* 500" list of companies, Eastern Gas & Fuel Associates, is studying all its operations with a view to setting up an internal social accounting system that will assess its relations with employees, customers, suppliers and the communities in which it operates. Henry Ford II believes that "the freedom of big business in the years ahead depends on how it responds to the changing spirit of the public."

It is entirely possible that future stockholders will have either to content themselves with reduced profits, or be prepared to accept higher taxes to pay for otherwise soaring social costs. There may also be a new definition of which vital functions—say, power generation, transportation or mail services—are best performed by public agencies and which by private enterprise. As J. Kenneth Galbraith is fond of pointing out, we have had a mixed economy for decades; it is the theory and the rhetoric that have become outmoded.

The corporate responsibility movement, this new "politics by other means," can be a useful tool to modify and adapt capitalism to changing needs. While Karl Marx was thundering that capitalism would destroy itself, his contemporary, John Stuart Mill, was predicting that it might evolve into something very like what we see emerging today, an equilibrium economy, no longer based on endless production and consumption but on mutual service.

Only the most determined idealist could view our current economy and its distorted priorities with any hope that Mill's prediction will be realized in the near future. And yet *Fortune* estimates that nearly all the increase in employment between now and 1980 will be in the service sector. At the same time, there is a glimmer of hope in the increasing flow of capital into the pollution-control and recycling industry, as well as into other public sector markets.

The new movement can help irrigate corporate decision making by exposing management to these new ideas, opening up board memberships to out-groups, such as minorities, women and environmentalists, thereby providing faster "feedback" on the social consequences of management decisions. It might even become analagous to the labor movement, which enabled capitalism to adapt and survive in spite of itself. Like unions, the politics of corporate responsibility is evolutionary and conservative in the Burkean sense of the term. It is a valid proposition that citizens, representing the broader values of the public interest, must use whatever political and economic means are necessary to achieve a countervailing force to business.

Private enterprise, with its narrowly conceived premises based on "value-free" economic criteria, will always be at odds with the broader public-interest values which are the nation's collective moral and ethical judgment as to what constitutes "the good society." Most economists would agree with both Kenneth Boulding and Milton Friedman that their discipline is not concerned with these metaphysical value judgments, but rather with quantifiable relative exchange values. This pervasive use of two-dimensional economic decision making, as if the country were a vast Monopoly game, is precisely the problem. We must learn a new game of three-dimensional Monopoly, where the player can't put his factory on "Atlantic Avenue" just because he happens to own the site. He must also overcome the objections of the other residents by spending additional sums on making the plant clean and socially acceptable. This, in turn, may cost so much that his product may be too expensive and buyers will decide they can do without it. The process will discipline capitalists' decisions and tend to keep socially and ecologically undesirable items from cluttering up the market and countryside. Until now, the power of the modern corporation has enabled it, through mass persuasion, to impose its narrow economic game on society. The new politics of corporate responsibility is an attempt to reimpose the higher values of the whole society—of the public interest over special interests. If successful, it will produce political results as tangible as any achieved by traditional electoral politics. □

HAITI

The Comedians Revere the Doctor

JOHN ADAM MOREAU

Mr. Moreau, an editorial writer on the Chicago Sun-Times, *has recently been reporting from the Caribbean for that paper. His published work includes a biography of Randolph Bourne.*

Port-au-Prince

When I came here I tried hard to see François Duvalier, self-proclaimed President for Life. But the 63-year-old country doctor doesn't see the foreign press any more; he's been burned too often. Banned from his presence, I reflected. The notion of sitting in that shining white palace talking with him seemed absurd. Would I ask, "Sir, why do you wear that black Homburg in this climate?"

In most Latin American nations there is a semblance of a free press. But here one simply wouldn't think of making the rounds of offices and contacts hoping for tips, background and exclusives.

As for the President, there are no difficult questions because—it is clear to anyone who has read him and the government's releases—that implies giving answers, and Duvalier gives no answers. The question, "Sir, who really gets the foreign aid?" could evoke no more than a

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reply of, "In Haiti we have a remarkable tradition of primitive painting which you mustn't fail to look into."

"Have you murdered anyone recently and does this year's budget call for further murders?" could produce no more than "Have you seen the north coast and the ruins of Jean Christophe's fortress?"

At the time of the French Revolution Haiti also blew up, first in slave insurrection and later in civil war. A succession of rulers have murdered and mismanaged the country down to our times and it has seen the U.S. Marines. Withal, it is a land of mountainous beauty and of a warm, handsome, exceptionally artistic people, a great number of them descendants of the Ibo slaves from West Africa.

The capital of Port-au-Prince, with some 400,000 people, sits at the edge of a bright bay and from there creeps east up the mountains where the wealthy live and where some of Haiti's splendid, costly hotels stand.

Every so often Port-au-Prince is the scene of one of those bumbling attempts at a coup, every one of which Duvalier has put down. The most recent was in April, when three rebel Coast Guard cutters opened fire from the bay on the Presidential palace and then with 119 officers and men aboard sailed away to Roosevelt Roads Navy Base in Puerto Rico to ask U.S. asylum.

"It was quite a show," said a Port-au-Prince resident who was present at the time. "They fired on the palace. The sirens went off and there was a hell of a traffic jam as members of the militia tried to get to their posts. You see, you've got eight minutes to report or you're in trouble. You must be accounted for.

"The cutters' marksmanship was really quite good. They hit the prison and knocked off a gate and out ran a bunch of political prisoners. They hit the damn palace, too. But the shells were so bad they didn't go off."

After the shelling, the home of Octave Cayard, commander of the Coast Guard, was sacked right down to the bathroom fixtures by a mob and left literally in rubble. "Oh, yes," I was told, "that's always so if you try a coup and lose."

Haiti is the poorest of Latin American nations and, in the conduct of those who govern, possibly the most violent. Death for interfering with the government is a common and casual reward. Death from misery is as Haitian as voodoo.

I walked the rutted streets of this broken-down, decaying city, where everything seems to be crumbling or in disrepair (business establishments find it a poor idea to appear successful), and I wondered about the little man in the palace whom so many people want dead.

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I could not see Duvalier, but the men who gleam in his reflected light and help him run Haiti reflect also his ideas and mentality. Forbidden the palace, I sought out Gerard de Catalogne.

"I'll tell you what the measure of that man is," he said. "During the attack he was in the palace the entire time. I've known every President since 1930, and I can tell you that every one of them except Duvalier probably would have been on the plane to Miami or Kingston or Paris in no time. Not Duvalier."

Catalogne is the second most powerful person in Haiti. He seeks to convert no one. He is a power broker, the President's spokesman and head of the Department of Tourism. And he also owns the only newspaper of any account, *Le Nouveau Monde*. I talked with him at his *Monde* office, where he sits surrounded by mementos and pictures of his days as a diplomat and when he worked at the United Nations.

Catalogne is 59, white, tall and heavy. He has a rolly underchin and the air of a consoling grandfather. The son of a coffee merchant who came to Haiti from Martinique, he was educated here and in Paris.

"Aren't you afraid to be in Haiti?" he said when I asked him to get me to Duvalier. "As you know, there is terror everywhere and the gutters run with blood." Since he was being facetious, he finished with a thoughtful little laugh. I asked about murders, control of the country, and politics. He said:

"When Duvalier came to power, everyone thought he was a weakling and that they'd wait a few months and he'd take the plane. Oh, ho! were they to be surprised. I am from a wealthy family, so I can speak with familiarity about attitudes here.

"It was the high bourgeoisie, the whites and the light coloreds, who thought they'd run him out the way they ran out every other President. They and your State Department. I can tell you that twenty-five years ago if a black man went into a restaurant in Port-au-Prince, people stared. Silence. He was not welcome. Duvalier has changed that, completely changed that. Haiti is now a black man's country.

"Duvalier did what he had to do to defend himself. People were trying to kill him and he fought them with fire. He created the militia and he created a force of 25,000 Tonton Macoutes, everywhere—I mean everywhere—in the nation.

"The papers talk of Duvalier and these men killing men. But what are the invaders trying to do, what *have* they done? They've killed, too, on these crazy invasion attempts. . . . Well, there is no opposition any more."

It is the unqualified opinion of the President and his articulate supporters that only someone like Duvalier can run Haiti, and that here democracy is certainly impossible. Catalogne was reflecting on this. He gave a shake of the shoulders and went on:

"Democracy means the American Ambassador is our Vice President. It has meant that the United States can do as it pleases here. Democracy? You are not in the States. We are 90 per cent illiterate. The per capita annual income is $75."

Nevertheless, he assured me, Duvalier has social notions, a strong desire to improve the lot of the people.

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Why then, I asked, does there seem to be ruin everywhere? Port-au-Prince is falling down around you. Where does the money go?

"All right," said Catalogne, "all right. But remember: Our budget is $40 million for 5 million people. There is no money for most things. We are shut out; at least until just recently we have been shut out of the international community. We need loans and investments."

One hears much about Duvalier's personality cult —"I am the Haitian flag, one and indivisible"—so I asked Catalogne whether his boss suffers from megalomania, a common assumption in a town like this when a man has been in office so long.

"No, he doesn't suffer that, but he believes that business about the flag. I mean he believes he has some kind of divine mission to rescue Haiti from itself."

The conversation had come round to Graham Greene's *The Comedians,* a novel depicting a Haiti under Papa Doc Duvalier where murder, torture and a miasma of brutality make up much of daily life.

"Of course he read it," Catalogne said. "He just laughed. We all read it. You know what I think? What is behind this book and the movie that came along so fast is the Central Intelligence Agency, to make Haiti look bad to the world. Duvalier is a strong man, yes, but not as many people have been killed under him as under other Presidents.

"There are only about fifteen political prisoners now and sometimes he has pardoned those who have tried to overthrow him. He is loyal to you when you are loyal to him, but he is something terrible when you make a mistake.

"I learned long ago, when I make a mistake, to pick up the telephone and say, 'Mr. President, I have done something which I thought was right but is not turning out right. It's a mistake, I'm sorry.' "

I had been taken to Catalogne by Aubelin Jolicoeur, 46, a writer for his newspaper. Jolicoeur also has the title of public relations director for the tourism department.

He is the Petit Pierre of the Greene novel, a character whom Greene's narrator uses as a sort of enigmatic sounding board and source of information and warnings. In the book, Petit Pierre writes a column and carries, always, a swagger stick.

Jolicoeur is short, dark brown, nervous, and given to rapid changes of mood. He is a columnist known throughout Haiti.

He moves about Port-au-Prince, kissing hands, interviewing for column items, arranging things, doing favors, making tapes for his radio programs, and typing out his articles in afternoons on the front gallery of the Hotel Oloffson, scene of much of the novel's action.

I spent parts of three days with Jolicoeur and from what I learned later as well as from my instincts, I concluded that he was about as frank as he could be. He said he once was "very close" to Duvalier, but that although he still sees him often, he no longer has his ear.

"The Greene book is a dishonest book," he said at one point, "because it took things that happened under other Presidents and placed them in Duvalier's time. Well, maybe that's all right for fiction but I still find it in very bad taste.

"You know, I gave Graham Greene—I took him all over—the title because I told him, and it is true, that Haitians are comedians. They are always telling stories and creating myths. They need myths so they can go on living in such conditions.

"But usually the Haitian is not violent. I am serious. He's not violent like you very—as you say today—uptight Americans. The Haitian finds release for his frustration in voodoo.

"The Haitian will quarrel. He'll say he'll kill you or something, but he always says, 'I'll kill you, *mon cher.*'

"In a country like this, you have to be very naive to think that if you go into politics you're not taking your life in your hands. But things aren't so bad any more because the opposition is gone. Except the bourgeoisie. They hate him. The days of the murders are pretty much gone."

As Jolicoeur would have it, what has happened in the past thirteen years is much exaggerated by Papa Doc's enemies.

"Many people disappear," he said, "and we think—'well, that's it for him.' We can never be sure who is dead and who is just locked up. Sometimes a person comes back and we're astounded."

I asked Jolicoeur why he supported and now supports Duvalier.

"You must see things in the reality of our politics,

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which until Duvalier was a dirty, stealing business. No one ever abided by an election result. The loser immediately began to plot to steal the office, just like all over Latin America. The politicians are like crabs in a sack, each trying to get out and each pulling down the other.

"Duvalier is the only man who came to the office who didn't have a filthy past. He's the only one who has controlled the bourgeoisie and honored the blacks and he's the only one who thumbed his nose at the United States. That's why he has the masses with him."

Jolicoeur left—to meet his pretty Canadian wife—who also carries a swagger stick and often accompanies him on his night-life peregrinations in search of column items.

I set off thinking about how to use in a story the fact that Jolicoeur and Catalogne professed ignorance of why Duvalier wears that Homburg. Catalogne said with a loud laugh, "I've always wondered that too. but I never asked him."

I walked through the scaly remains of a 1949 international exposition in the heart of Port-au-Prince, its fountains long shut off, its lawns and walkways, like the rest of this city, ill-tended and suggesting a ghost town.

Should I begin my story, I asked myself, with a quote? Such as when Catalogne averred, an amused expression playing on his mouth, his large hands together on his desk:

"My friend, you may be assured that President Duvalier has this country fully in control and when he leaves that palace it will be in a box and only because God put him there." □

LAWYERS FOR THE POOR

'SOMEBODY IS ALWAYS OFFENDED'

SHELDON L. GREENE

Mr. Greene is general counsel of California Rural Legal Assistance and a specialist in litigation challenging the employment of nonresident alien labor.

The poor, wrote John Adams in 1765, are too weak to organize in opposition to the powerful. The strong try to deprive the poor of "the knowledge of their rights and wrongs and the power to assert the former and redress the latter." That is why white panthers dressed as Indians polluted Boston Harbor with English tea. And it is why the Congress appropriates more than $50 million a year to pay the salaries of 2,000 lawyers to do nothing but represent the nation's poor.

Conservatives have sought to curb the powers of these poverty lawyers, and they seem to have won a round with the publication of regulations dismembering the national legal services program and with the dismissal of its national director, Terry F. Lenzner, by Donald Rumsfeld, director of the Office of Economic Opportunity.

The Office of Legal Services is one of the smaller components of the OEO, accounting for less than 5 per cent of the annual budget for the war against poverty. The money is apportioned among 265 local nonprofit corporations which have contracted, in free enterprise fashion, to provide legal representation for at least some of the 3 million Americans who live below the poverty line.

Legal services is an improved model of an old function, the public advocate. Public defenders and court-appointed counsel financed with taxpayers' funds have long represented indigent defendants. In large cities since the turn of the century, bar associations and private charities have passively supplied legal services to the poor, mostly through volunteers. Attorneys employed by nonprofit foundations and special interest groups such as the NAACP and the American Civil Liberties Union maintain and provide legal services in public interest matters.

The new breed of public advocate is a full-time salaried specialist in poverty-related law, with a steady if not always sufficient source of funds. The federal legal service program is national; its storefront law offices are now found in Nome, Alaska; Window Rock, Ariz.; or in the Hough district of Cleveland—wherever poverty is apparent. The program has its own national recruitment component, the Reginald Heber Smith Fellowship, which orients young lawyers and subsidizes their initial years in legal services. There is a national poverty law reporter, a periodical, a related memory bank, and backup centers attached to universities, each specializing in a problem area such as housing, health and welfare.

Supplementing the attorneys is a corps of community workers and lay advocates drawn primarily from ethnic and minority groups in the client communities. These para-professionals handle tasks ranging from the simple service of papers to the representation of clients in welfare hearings. They often serve as a bridge between the low-income community, with which they share a common background and experience, and the professional staff.

Except for public interest firms like the Washington-based Center for Law and Social Policy, which rely on such private resources as the Ford Foundation, the lawyers are subject to federal regulation that ranges from rational to stultifying. For example, OEO-funded programs must raise 20 per cent of their resources through voluntary in-kind contributions of expert services computed at 1932 hourly rates. Imagine the incredulity of Lockheed executives if defense contracts included a similar condition. Out of deference to the bar, poverty lawyers can handle no fee-bearing cases, no criminal defense, and cannot represent anyone who can afford to pay a fee. They are excluded from the government's higher salary scales and from its retirement programs. Possibly their greatest obstacle is the problem of redundant control. While only the National OEO can veto a program, every-

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one who approves the annual funding grant—conservative boards, bar associations, ambitious local Community Action Program directors, regional OEO directors and state poverty agencies—wants a say in running things.

Who are the new legal service lawyers? Aside from the common character traits of iconoclasm, intensity and dedication, generalities do not apply. They are Buckley conservatives, Lawyers Guild activists, disaffected corporation lawyers and wandering scholars. For the most part they share a disdain of working primarily for money, a belief in their own ability and in the capacity of the law as a limited vehicle for positive, nonviolent change.

Annual budgets for individual legal service programs run from a high of $4 million for the sprawling New York City program to a small-town two-attorney office operating on a grant of $50,000. But whatever the size of the project, the bulk of national legal service energy is invested in the endless daily problems of the poor—eviction, bankruptcy, consumer fraud and welfare entitlements. Legal service attorneys spend their time on delaying an eviction or preventing the repossession of a family car. Only the landlords and finance companies kick about these cases.

But a minority of problems and a minority of attorneys have aroused the indignation of numerous public officials, and precipitated multiple attacks on legal services and the judicial process. The first such explosion came when California Rural Legal Assistance, a statewide program aiding the rural poor, blocked attempts by California to cut $200 million in services from the state Medicaid program; and almost simultaneously obtained a restraining order against the Federal Department of Labor that temporarily stopped the importation of *bracero* farm workers. With a double stroke, poverty lawyers, acting not for one client but for a whole class of the poor, blocked the implementation of major state and federal administrative decisions. Both cases successfully alleged that the public agencies were in fact lawbreakers, since they were disregarding their legislative authority, and that the suits sought no more than to require public agencies to adhere to the same standards of compliance with the law as is demanded of motorists.

The reaction from conservative circles was in character. Sen. George Murphy, a supporter of agricultural interests, questioned the propriety of a federally funded lawyer suing a public agency. Legislation was introduced in Congress to restrict legal services to suits against private parties. Attorneys, it was felt, should not bite the hand that feeds them. But Congress disagreed, and the measure failed.

Similarly controversial litigation quickly developed in other parts of the country. In northern Mississippi, the legal service program ran into opposition when it sought to advance the desegregation of local schools. Agricultural interests in New Mexico screamed when the Navajo program attempted to press Indian claims for water. Action initiated on behalf of exploited Caribbean farm workers in south Florida provoked a whirlwind attempt, led by Congressmen and the Governor, to terminate the regional legal services program.

As in California, a persistent cause of such impact suits has been failure to comply with the law. Federal agencies have become Daddy Warbucks to state and local bureaucracy, establishing but not enforcing conditions on the use of money they supply for education, health, welfare and law enforcement.

The pressure on California agriculture resulting from multiple attacks on violations of minimum wage and field sanitation statutes, the widespread employment of illegal entrants, and a challenge to the use of pesticides harmful to consumers and farm workers, provoked a second legislative effort to muzzle legal services. Senator Murphy introduced a bill that would have given a governor the veto on all or part of all OEO-funded programs. Presented as a rider to the OEO authorization, it took liberals by surprise and cleared the Senate, but like its predecessor, was defeated in the House, thanks to the activities of the American Bar Association, the media, and a squad of legal service attorneys who canvassed Congressmen.

However, the battle to maintain autonomy did not end there, for Rumsfeld, who is a special adviser to the President as well as director of the Office of Economic Opportunity, still seemed eager to placate critics and insulate the Administration from abrasion. The object of the defeated Murphy amendment was to be achieved on a test basis under the Oklahoma plan, which provided governors with primary funding authority over OEO programs, with the possible, but not certain, exception of legal services. While initially the plan seemed to get no further than Oklahoma, a later proposal to decentralize legal services threatened to reverse the original promise of relative autonomy to the National Legal Services Office. Authority to fund programs and terminate grants would be transferred to OEO regional directors, who are the Oklahoma plan's chief opponents.

The need to insulate legal service from regional control is made evident by a recent decision of the Northwest regional director to cut off funding to an Idaho legal service program before he had investigated a subsequently discredited report that the attorneys had provoked a wildcat strike among harvest workers. Opposition to the latest regionalization plan came to a head in a critical Senate subcommittee hearing, where witnesses suggested that the change would contradict the will of Congress when it rejected the Murphy amendment.

While the embryonic plan died from exposure, regulations announced on November 18 accomplish the same object by indirection. The new system places ostensible authority to monitor and fund programs in regional legal service directors. However, a rococo system of checks and appeals (one OEO aide termed it "an administrative nightmare") delivers effective control to the regional OEO directors. When the regulations take effect, it is likely that programs faced with termination or emasculation, or hung up in bureaucratic indecision, may be forced to use their lawyers' tools of litigation and public hearings simply to save their own necks.

Two days after announcing the new regulations, Rumsfeld on November 20 fired Office of Legal Services Director Lenzner and his deputy, Frank Jones. Since both

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men carry scars from numerous battles for the independence of legal service programs, the dismissals suggest a shift of policy away from controversial activities.

Neither Lenzner nor Jones meets Agnew's pejorative description of effete intellectuals. Lenzner is a burly former college football player who struck back by calling for the Director's own resignation, claiming that Rumsfeld was the proponent of "bargain basement justice." Jones, a husky black lawyer with a Dayan eye patch, stated that the legal services program "was now in the hands of Southern bigots and right-wing politicians across the country." As evidence, the deposed attorneys submitted that new appointments to the Office of Legal Services staff would require the backing of local or state Republican politicians. The effect of local political influence, they noted, is to be seen in Director Rumsfeld's willingness to suspend several large programs for violations, uncorroborated, of OEO guidelines. For example, New Orleans Legal Services was censured for its representation of twelve defendants in a criminal case, although participation in the suit had been authorized. Approval of refunding for CRLA, the Navajo program, and the national senior citizens' project on November 30 came as a partial refutation of Lenzner's charges. The response of OEO to a possible veto of CRLA by ultra-conservative state officials, willingness to modify the controversial decentralization plan, as well as the choice of a new legal services director will be further test.

The Administration's reaction to controversial litigation has not been limited to OEO-funded programs. Even the private nonprofit law firms, immune from a loss of federal funding, were recently threatened by the Internal Revenue Service with the loss of tax-exempt status for their role in ecology-oriented litigation.

Along with the attack from within the government, conservative lawyers, long eager to divide the $50 million legal services pie among private practitioners, are exerting increased pressure for a fee-for-services system employing private lawyers. But tests of private "judicare" have proved costly and deficient as a service mechanism.

When the dust settles it is easy to see that public advocacy is about as effective as a good pair of sun glasses on the desert—it relieves some of the discomfort but does not change things much. The opposition of some conservatives, while not justifiable, is understandable. Some of them are willing to acknowledge the public lawyers' usefulness as a safety valve against less palatable means of protest. Some, including Rumsfeld, consider the legal process to be a constructive outlet for the energies of the poor.

But others fear that federally funded legal service programs will attract radical or simply immature lawyers who will, by the use of legal issues, manipulate impoverished communities into a position of violent confrontation with the community at large.

Other detractors, perhaps more honest, simply oppose any change, whether by litigation or by legislation. Yet they overestimate the potential of public advocates to effect change, for the American system contains built-in dampers to minimize the effect of any departure from the *status quo,* whether legislative, judicial or executive.

The judiciary, for the most part, approaches matters which cross social or economic strata with some timidity. Attacks on the Supreme Court in the wake of decisions relating to civil rights and to the rights of the accused have encouraged judges to turn away from broad-based social or economic problems, out of fear that the judicial nostrum—in the context of contemporary racial conflict and the alleged rise of crime—might do more harm than good. Such matters, they say, should be left to the legislatures.

Similarly, legislatures, federal and state, are poor incubators for change. They tend today to place a higher value on intangible social services than they did in the past, but are still unwilling to authorize sufficient funds to make a substantial attack on any problem, whether underemployment, job retraining, housing or health. Change comes piecemeal from legislatures, because every problem is caught in a maze of economic interests.

By attacking public advocacy, law-and-order conservatives denigrate action that is consistent with their own ideology. Conservatives who used to complain of arrogant bureaucracy should be gleeful when a decision compels a public agency to be subservient to the will of the legislature. Yet that is seldom the reaction, for it is not the principle but the interest that is bruised and seeks retribution. No one can argue with decisions which increase wages to make low-income workers less dependent on public assistance. No one, that is, but the people who must pay the higher wages. Who can disagree with the determination that an English literacy requirement which results in the disenfranchisement of a few hundred thousand Spanish-speaking Americans is unconstitutional? The answer is, candidates who fear that they might be unpopular with the Spanish-speaking.

"The trouble with this work," said CRLA's Marty Glick, of California's Rural Legal Assistance, "is that somebody is always offended by what we do. No one should complain about a decision preventing local school boards from classifying otherwise bright but Spanish-speaking children as mentally retarded because they flunked a middle-class English-language aptitudes test, but school psychologists fought like hell to defend their position." The decision barring arbitrary classification of minority schoolchildren as mentally retarded was implemented by only a few counties, and Glick had to pursue the change in the legislature. His innocuous bill to set minimum standards for mental retardation barely overcame vigorous opposition from the psychologists.

All but the mouthpieces of special interests should by now recognize the virtue of public advocacy in providing the mute and disenfranchised with both a voice and some small power against bureaucratic anarchy. Honest concern about the ill effects of excessive zeal or bad judgment on the part of public interest lawyers should be expressed by encouraging conditions which foster a responsible approach to litigation, rather than by intemperate criticism that creates hostility, insecurity and disaffection in the attorneys. Establishing conditions that encourage reasonable tenure for a nucleus of the most experienced and capable legal service attorneys is one step that could be taken. Insuring a steady influx of quali-

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fied recent graduates is another. Turning from annual refunding to a two-year grant would be a further means of providing greater stability and insulating the programs from demoralizing political attack.

Rather than push for regionalization, policy makers should establish an independent national legal foundation as a parent for all legal services. Such an agency could be structured to assume both proximity to the source of funding and insulation from recurrent external coercion. Administrative policy may be moving in that direction: the proposed OEO budget excludes legal services and the American Bar Association has been asked to prepare a report on possible alternatives to the present room-and-board arrangement in OEO.

Finally, lawyers and non-lawyers concerned with the future of legal services should recognize that controversy is an incident of the legal process. Observers should be concerned only when there is none at all. □

'SIGNS OF FATIGUE'

WHO WANTS CATHOLIC SCHOOLS?

JOHN M. SWOMLEY, Jr.
Mr. Swomley is president of the American Civil Liberties Union of Western Missouri and professor of social ethics at St. Paul School of Theology, Kansas City. He is the author of Religion, the State and the Schools *(Pegasus),* The Military Establishment *(Beacon Press) and* American Empire *(Macmillan).*

The current nationwide drive for aid to parochial schools is rooted in a church crisis rather than in an educational emergency. Nonpublic elementary and secondary schools, except for those of the Roman Catholic Church, are apparently healthy and increasing in numbers, in spite of additional costs and greatly increased tuition. This is true not only in the South, where such schools have been expanding to evade integration, but also in New York City where academy or preparatory-type schools increased 14 per cent in 1969. Jewish, Seventh Day Adventist and various other church schools are also thriving. A report by the Wisconsin Governor's Commission on Education confirms this pattern after a study of private schools throughout the state. "The decline in enrollments in private secular and church schools," said the report, "has occurred almost totally within the Catholic schools." The crisis in the Catholic Church is partly caused by the failure of its leaders to move promptly in bringing about the changes heralded by Pope John and the Second Vatican Council, though there are some in the Church who believe that it has moved too rapidly or too radically away from the old ways. Roman Catholics are divided on many issues, including birth control, celibacy, the status of women, and the election of such administrators as the bishops and the Pope.

Church crisis is not peculiar to the Catholics; a number of major Protestant denominations are also troubled by internal division over the radical activities of some of their leaders. But these Protestant groups either do not operate parochial schools, or, as in the case of the Episcopalians, have only a token number. The evidence of the internal crisis, which has prompted appeals for government assistance to Catholic schools is extensive. *The National Catholic Reporter* of May 22 said: "Statistically the U.S. Catholic Church is headed downward. For the first time since 1900 it has declined in numbers in every category. According to the . . . 1970 *Official Catholic Directory,* the following all declined numerically: Catholic lay persons, priests, nuns, brothers, adult and infant baptism, schools, students in Catholic schools and places where mass is celebrated."

There were 181,421 nuns in 1965 and 160,931 in 1970; a decline of 20,490. About 9,000 nuns left in the year 1968-69. Catholic newspapers and magazines in the United States and Canada lost more than 2 million subscribers in 1968. In 1969 at least seven diocesan papers either folded or lost their editors for reasons of principle. Bishop James A. McNulty of Buffalo fired the editor of his paper for supporting seven theological professors in their stand on birth control.

The National Association of Pastoral Renewal in 1968 mailed a questionnaire to its members and discovered that 463 priests had resigned, including seventeen seminary professors, nineteen chancery officials, thirty-three pastors and 228 assistant pastors. This report, based on 550 replies to the survey, is admittedly incomplete. At least another 2,700 U.S. Catholic priests hunted secular jobs in 1968 because they were leaving their Church posts, according to two job-finding agencies that specialized in placing former priests.

A typical small diocese, Kansas City-Saint Joseph, lost 16 per cent of its functioning priests between 1966 and 1970, including its superintendent of schools, the diocesan director of religious education, two Newman Center chaplains, the founder of the diocesan social action office and the diocesan secretary for ecumenism. Some other priests who joined the diocese after 1966 have also left.

Laymen were also affected. The Gallup poll reported a decline in church attendance during 1969 among both Protestants and Catholics, but indicated that the falloff was twice as great among the latter. The Catholic decline was from 74 per cent adult attendance in 1968 to 63 per cent in 1969.

It is inevitable that such a church crisis should affect its finances, but overall figures are unavailable because the Roman Catholic Church is the only major religious body that does not disclose its finances to its laymen, and the only one whose per capita giving has never been available for publication in the *Yearbook of*

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American Churches. However, the Catholic press has carried a few reports which indicate diminished contributions. In St. Louis, the Archdiocesan Annual Expansion Fund, used for construction of schools and other Church institutions, dropped 9 per cent and had 10,000 fewer contributors in 1969 than in 1968. Bishop Helmsing of the Kansas City-Saint Joseph diocese said in 1968, "Between 50 and 60 per cent of our people do not cooperate as they should." In 1966, the Diocesan Expansion Fund Campaign, 50 per cent of whose proceeds go for Catholic high schools, decreased for the third year in a row. "Out of 40,000 potential DEF contributors in the diocese only 14,000 made pledges. A significant percentage of these did not fulfill their pledges," Bishop Helmsing said.

In the New York Archdiocese, according to a Catholic newspaper, "All sources of revenue have shown 'signs of fatigue' since 1964." Income from "bazaars and bingos" reflect "sudden and erratic declines at various times, even in prosperous Westchester and upstate counties."

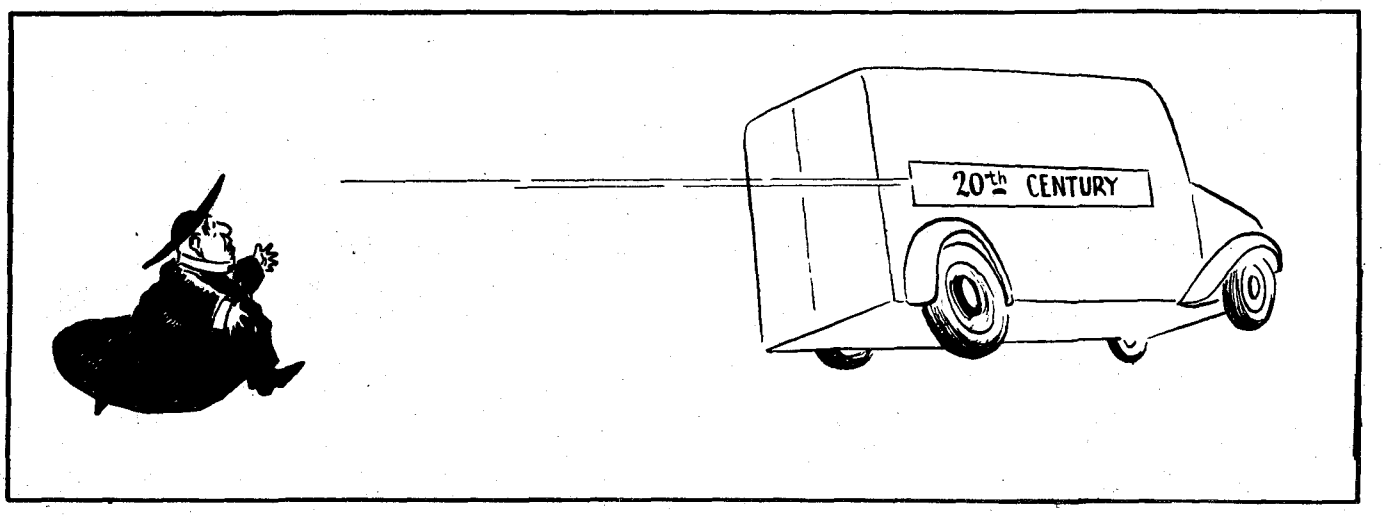
The financial problems are Church problems, not school problems. It is true that the number of parochial schools has declined, but according to the May 22, 1970 *National Catholic Reporter*, there were also forty-three fewer theological seminaries, nine fewer hospitals, nineteen fewer nursing schools and ten fewer homes for the aged and invalids in 1969 than in the year previous. This clearly indicates that institutions eligible for public funds, such as hospitals and homes for the aged, have shared the fate of theological schools which are not eligible for government aid. Early this month, the diocese of Buffalo, where Catholics are a majority of the population, announced the closing of ten schools and the cancellation of plans for a new hospital. Last spring, a drive for funds to reduce debt and support schools and special projects, fell $1.5 million short of its $3.5 million goal.

The fact of a Church crisis probably means that parochial schools, which are an integral part of the Church, are also in a financial bind. But responsible Catholic sources have also indicated that there is no objective proof of such crisis. The Jesuit weekly, *America*, in March 1966, stated: "Without formal budgets, adequate accounting and cost analysis and annual financial reports we do not really know what Catholic education is costing the Catholic community. It is time that we did know and that we organized our schools so that we shall know." In 1969 the National Association of Laymen, composed of some twenty affiliated Roman Catholic lay groups, decided that laymen have a "responsibility to divert support to other Christian works when the church's financial status remains veiled in secrecy." The group called for a moratorium on Catholic school construction in each diocese until the "existing crisis in all areas of Catholic education" is studied by an "independent professional research agency." The National Association of Laymen is still waiting. In October it asserted that a study, just completed, of the financial records of twenty-three of the country's 160 dioceses and archdioceses indicated a reluctance on the part of Church leaders to give accurate and reliable accounting that "verges on major scandal."

The question of financial disclosure is evidently very important in church financing. A survey conducted by the Cleveland Diocesan Education Planning Study revealed that 88 per cent of those polled, including 6,000 laymen, 409 priests, and 1,284 other religious agreed that most Catholics do not give enough to their Church. Sixty-six per cent said the contributions would be increased if a public accounting were made.

Public disclosure is more than a theoretical issue, because priests who raise money and laymen who contribute it for parochial school purposes are not always certain that it is used as designated. The *Wichita Eagle* of March 9 reported a revolt of priests, who voted unanimously not to have a campaign to erase a debt of $859,000 on Bishop Carroll High School. The priests asked "where past collections, earmarked for the schools, actually went." They "asked if it were not true that certain moneys donated for the high schools had been used for other purposes. . . . The Bishop would say only, according to the source, that there was no point in discussing what was done by previous administrations."

The question of disclosure of finances is important to Catholics because they are asked to give without knowing the total of their gifts, the assets of the Church, what happens to their money, and, more important, whether the support of schools, as against other possible expenditures, is worth the price. The question of disclosure is



Vadillo, Siempre (Mexico)

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important to non-Catholics because they are now being asked to contribute through taxes to a parochial school system which may be in financial trouble only because Catholics don't want to support it.

The bishops, who control both the schools and the finances of the Church, are fully aware of the problem. They have been advised by some members to disclose financial records and by others to continue to keep them secret. At the 1968 National Conference of Catholic Bishops, a committee to study the question, said the *National Catholic Reporter*, "recommended that dioceses consider giving financial statements, but not full financial statements." According to the same account one "bishop warned against giving details on central administration even in a general report because it 'would open up individual financial transactions to public scrutiny and criticism.'" Another bishop objected to listing assets because it would lead to "uninformed speculation by people talking about the assets of the diocese in comparison to unmet needs of the inner city."

A few bishops have made partial financial reports available. These did not include total parish collections or per capita giving or comparisons with previous years, but in two cases at least, included the capital assets of the diocese. The president of the New York association of Catholic laymen, Michael Sennott, said following such partial disclosures:

> Everyone knows the Church is a very wealthy institution so it's puzzling to hear that its schools are going broke. A full disclosure would help individual Catholics decide if they really want to keep the schools.

It is apparent that individual bishops can at their own discretion issue financial reports, and some may do so without publicity, either from necessity or because their own sense of justice and concern for lay participation so dictate. Comparative statistics showing percentages of Church giving to schools over a period of ten years or so may nevertheless be necessary to convince laymen that Church funds have not been shifted to pay for other expanding Church services such as social action, adult education and foreign missions, in the hope that the state will come to the rescue of parochial schools.

When the bishops met again in 1969, Bishop William E. McManus, director of Catholic Education of the Archdiocese of Chicago, told them that the financial problem of parochial schools stemmed from the unwillingness of Catholics to contribute, rather than from their inability. The Washington *Evening Star* of April 19, 1969, quoted McManus as saying that there was a crisis of confidence:

> . . . a mixture of some disenchantment with Catholic school outcomes, reluctance to make the immense investments needed for high quality Catholic schools, uncertainty about the Catholic schools' direction in the post-conciliar church and an occasional lack of conviction about the philosophical and theological premises for the church's direct involvement in the work of schools.

The Wisconsin Governor's Commission on Education, after a study of private schools, gives a similar analysis of the Catholic school crisis: "It is a fact that the Roman Catholic church is in a period of ferment and change. Concepts of, and the rationale for, Catholic schools are being questioned and re-examined by clerics and lay members of the church. A substantial number of Catholics now question the need for, and desirability of, a separate parochial school system, particularly if that system has a large proportion of lay teachers and much higher per pupil costs than in the past."

Careful studies, however, indicate that there is no danger that any large number of parochial schools will close their doors. Father Andrew Greely and Peter Rossi in their sociological study, *The Education of Catholic Americans*, wrote: "There is nothing in the data to suggest that the Catholic educational system will not continue into the foreseeable future. Most Catholic education correlates with social class and Catholics are improving socially and economically."

The Wisconsin Governor's Commission said:

> Among the arguments advanced in support of public aid is that which suggests public aid at a "reasonable" level will prove less expensive to the taxpayer than no aid at all. This proposition rests on the belief that "no aid" will result in school closings. In the extreme, this would mean a total transfer of all students from private to public schools. This appears to be highly unlikely.

The key to the future of parochial schools is the Church's attitude toward them, not the willingness of the general public to support them. If parochial schools are essential to the mission of any church, they will continue so long as the church does. The primary question, not yet resolved within the Catholic Church, is how necessary the schools are both to laymen and to the clergy. The bishops are apparently unable to persuade Roman Catholics to support their schools adequately unless they provide full financial information, grant control of the schools to democratically elected laymen, and at other points also democratize Church decisions.

Under such circumstances, if state legislatures, school officials and the courts make public funds available to parochial schools, they will be intervening to favor one side in a church controversy, by forcing Roman Catholics to pay through taxation what they will not voluntarily give. They would also force non-Catholics to subsidize the program of an anti-reformation or anti-democratic group within a church to which they do not belong. A Catholic writer, William Brown, said in *Overview* in April 1969, that "the nub of the problem is not lack of ability but lack of willingness on the part of the Catholic community to finance the educational venture. Unwillingness will remain as long as the bishops retain nonparticipative control of the venture. Public aid would do nothing to break this control or to improve the schools. Indeed it would relieve the pressure to do either."

The danger of political intervention in internal Church controversy is one of the major reasons for the idea in the Constitution that Congress (and the states) shall make no law respecting an establishment of religion. The separation of church and state is intended to protect Catholics quite as much as Protestants, Jews and nonreligious citizens from compulsory contributions to a church.

The financial and political interests of church hierarchies who have easy access to Presidents, governors and legislators are not necessarily the same as those of the laymen they claim to represent. □

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BOOKS & THE ARTS

Israel of the Poets

M. L. ROSENTHAL
Mr. Rosenthal is a teacher, critic and poet. His latest book is Beyond Power: New Poems *(Oxford).*

Beautiful, voluble and self-questioning, tragic Israel involves the visitor at once with its twin crises of identity and survival. It is all but impossible, coming upon the country for the first time, to sort out what is merely willful from what is inevitable, and what is arbitrary and political from what is the true meaning of the daily life. A mobile construct among the hills and seas and deserts, Israel is a thrust of will against a living, retaliatory history. As Yehuda Amichai writes in his poem "Mayor":

It's sad
To be the Mayor of Jerusalem.
It is terrible.
How can any man be the mayor of a city like that?

What can he do with her?
He will build, and build, and build.

And at night
The stones of the hills round about
Will crawl down
Towards the stone houses,
Like wolves coming
To howl at the dogs
Who have become men's slaves.

One sees the problem there at once, before one has seen anything, really. "To build and build and build" was the original program. The idea was to liberate the Jewish people from the oppressed past through immersion in a new kind of time, a timeless, creative present not so different from that of the "American dream." Nobody thought, though, that there would be a new, psychological oppression from the primal, indigenous *human* landscape: the Arabs, visibly and invisibly present, while for the Jews, as Amichai wrote in another poem, "My parents' migration has not yet calmed in me."

Of the writers whom I met in Israel, Amichai seemed the most detached and "non-political"—an impression obviously belied by even these few quotations (translated from the Hebrew by the late Assia Gutmann), unless we use the terms in their most tendentious sense. Amichai, whose face at 45, under the close-cropped hair and above the sturdy frame, has the wise innocence of a surprisingly mature child, claims that he walks about "disguised as a non-poet." Like so many other established Israeli writers, he served with the British army during the last war, then joined the Palmach (the underground commandos of the period leading up to the War of Independence). Unlike many others, however, he is "disguised as a non-political man" as well as a non-poetic one. Among his short stories, for instance, is "Battle for the Hill," a satire against heroic war literature. All the symbolic, sacred data of the national experience—the *kibbutzim*, the military mobilization of girls and women, the official idealization of the poet Chaim Bialik, the naming of moments of proof and the places they occurred—are mocked with dead-pan thoroughness in this account of a battle that never happened: the Battle of Jerusalem in the Sinai campaign of 1956. Jerusalemites, remembering how they were geared for mighty action, must have appreciated the wry expression of letdown in this story.

Amichai's heartfelt ambiguities are only a step away from the familiar bitterly disillusioned tone of much Western literature, a fact that doubtless helps account for his success in London's international poetry festival of 1968. He seems (though the difference may only be apparent, and due to nothing but the myopia of a newcomer's vision) entirely unlike, say, the ardently nationalistic Chaim Gouri, author of *The Chocolate Deal*, a novel which appeared in English translation fairly recently. Gouri is a romantic figure; when younger he was actually known to fellow students as "the beautiful poet." Today, at 46, he is intense, concentrated and handsome, with the kind of idealistic patriotism that would seem not only an anachronism in Western countries but completely at odds with his bohemianism and his purity as a poet. A drive with him through Jerusalem is an adventure in war memories, with no room for irony but a great deal for simple admiration of courage (including that of the enemy) and for pity. Yet if you read *The Chocolate Deal*, you find yourself in a world much further from militant political engagement than Amichai's world. Its landscape is neither Jerusalem in arms nor Jerusalem smirking ruefully at itself in the mirror; it is the post-holocaust nightmare world of Jewish identity in the Europe where it all happened. And in his more recent poetry, we are close to a Yeatsian sense of lost beauty, lost possibility—that sense that "many ingenious lovely things are gone" that were "sheer miracle to the multitude."

In quite unlike ways, both these writers reveal the objectivity that so surprised one new visitor to Israel. Whether it is simply a matter of cultural heritage—for the Israelis are as argumentative as the ancient Athenians, though even more embattled—I cannot tell. (After all, from my particular point of view even the old men in their *yarmulkas* whizzing past on their bikes seemed to have an "objective" attitude toward their own condition!) It is hard to think of another country in which so many of the ordinary people subject themselves, their past, the quality and meaning of their lives—everything but their cuisine—to so much continuous analysis. It is true that Israelis are unlikely to question the nation's right to be, or their own determination to keep it intact, by war if necessary, but their agreement is an existential, not a dogmatic, fact. Though protected by a military system that requires three years' service of all young men, and two of all young women, the most fundamentalist religious group does not even recognize the state. Far from being militaristic, the people have made room for a current of opinion, especially strong, one hears, among the young, that favors returning the occupied territories to the Arab countries in return for any reasonable settlement, or even for an "understanding." I have heard two of the country's leading writers (Matti Megged and A. B. Yehoshua) pursue the question through a long evening, both attracted to the possibility while predictably puzzled about the obvious practical difficulties.

Nor can people forget the primal indigenous human presence, that of the Bedouins and other Arabs. Apart from its political and military aspects, this presence is inseparable from the landscape and its past, and one cannot see it without longing to be somehow in touch with it. One of Gouri's most beautiful poems, "His Mother," is a song of compassion for the mother of

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Sisera, the Canaanite leader whose defeat by the Israelites the Bible describes. The poem reaches out to touch the mystery and sacredness of alien, hostile lives. It suggests to me, in the context of Gouri's special kind of patriotism, and against the background of Deborah's and Jael's ferocity in Judges, that at least one note of the poem is a yearning to break out of the spiritual ghetto imposed on modern Israel. The yearning is for a contact of sympathy with that other world of Arab life, with its straight-backed women carrying their burdens on their heads, its relaxed and inward appearance, its seeming imperviousness to the logic of modern thought.

Perhaps I misread Gouri, but I am somewhat sustained by a few of Robert Alter's observations in his essay "New Israeli Fiction" (*Commentary*, June 1969). This essay, concerned primarily with the work of two young writers, Amos Oz and A. B. Yehoshua, interestingly notes their preoccupation in recent novels with the untamably archaic character of nature and landscape and, in Oz especially, with the twin forces of erotic rivalry and fear evoked by the nature of the "enemy." In them the archetypal motifs attributed to American literature by D. H. Lawrence and others seem deeply present in the Israeli subconscious as well, and perhaps that is a most relevant consideration. An opening out in any one direction implies a new readiness of response to various other influences. For instance, Camus' *The Stranger*, which foreshadowed so much of our recent history and gave us prototypes of the confused meaning of nationalism in a time of international consciousness, is not very far off from these writers.

Yet all this seems natural in view of the Jew's long international history. How true is that line of Amichai's that I have already quoted: "My parents' migration has not yet calmed in me." A great deal of the fascination of Israel inheres in that line's various implications. Almost all new residents of the country are given intensive, saturation training in the Hebrew language at once, but they naturally continue to bear the traces of their multi-national origins and memories. The cultural gap is surely very wide between the taxi driver who gave me a moving account, in Yiddish, of his family's war experiences in Poland and elsewhere, concluding with a peroration worthy of Josephus (and he *could* have given me the same account in French, German, or Russian) and the sophisticated depths of S. Y. Agnon's Hebrew—but the memories and echoes of the Diaspora are unmistakably shared by them. The novel by Palestine-born Hannoch Bartov, *The Brigade*, about the Jewish Brigade in World War II, focuses on one of the most deeply troubling issues of Israeli sensibility: the problem of reconciling the ancient role of the Jew as the wise, saintly, suffering victim with his new role as man of action and victor. So does the nausea-filled story, "The Prisoner," by S. Yizhar, another native Palestinian. The new role of "victor" is manifestly precarious and tentative, or is it only Jewish self-irony that makes it seem more so than it would be for other peoples? (In *L'Espoir*, Malraux has one of his characters remark that the special tragedy of modern war is that it makes each side take on the character of the enemy. The mind boggles at the implications of this *aperçu* for Israel and the Arabs!)

The relationship between Israeli thought and personality and the Jewish past is a matter of the most absorbing interest to a visitor like myself. It arouses the deepest sympathy despite reservations. The Jewish past and present belong as much to the Diaspora as to Israel, and all past Jewish history does not channel inevitably into the Israeli way. It is true that the younger *sabras*—native-born Israelis—are virtually an unknown quantity to outsiders. Many of them, I am told, are remote from the complex of memories and feelings that the older generations there share with foreigners, though the Six Day War may have taught them that Israel is less irrevocably removed from that complex than they had realized before. Still, how can they read and love a writer like Agnon without sharing his sense of a people whose indifference to adversity has enriched their wisdom without making mere fatalists of them? That is, how can they avoid defining themselves more by a shared past than by a projected future?

Such rhetorical questions aside, however, the conscious, articulate sensibility of Israel *is* everywhere deeply involved with the past. To add another instance, in Kibbutz Ein Hahhoreah one meets the poet Abba Kovner, leader of the Vilna ghetto partisans and later a guerrilla fighter. Among his major interests now is the repossession of the culture of those villages in Eastern Europe that were once so rich with Jewish life, as well as of the work of Yiddish poets everywhere. And many Israeli stories, in and out of fiction, have to do with the subjective grip of the undying past. Two moving examples are Aharon Megged's tale, "The Name," and Chaim Hazaz's "The Sermon," psychological close-ups of the agony of the

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attempt to become a new, changed people.

In Israel's fevered world, each day is keenly lived and everything that happens matters. Radios blare continuously on every bus and in every public place, because the tension is constant and so is the alert. Whether you roam the streets of Jerusalem, Old and New, or fly down to Eilat over the barren biblical desert reaches, or climb to the fortress heights of Masada (site of Josephus' account, where the Romans set fire to the Zealots' last stronghold and crashed through only to find neat rows of the self-slaughtered dead), or sit at night in the Roman amphitheatre at Caesaria, listening to the Mediterranean roaring brilliantly as chief soloist for the Israel Philharmonic Orchestra, the political and military pressures of the moment are always, and all but unbearably, present. Apart from these necessary pressures, there is an abrasive official insistence on a programmatic view of geographical and cultural phenomena whose meaning is beyond anyone's blueprints. Yet within this daily purposefulness, compounded to some degree by the religious establishment in its own way, a clear stream of art and thought keeps flowing.

Much of the writing and painting, indeed, seems purely conceived and intrinsically apolitical. Or it grows out of the political life in such a way as to elude it and to create a special world of dreamlike contemplation and vision. I like to think—one last example—of the romantic clown's face of T. Carmi, and his rich New York voice full of mockery and easy laughter (he lived in Brooklyn for a number of years before settling in Israel at 22 in 1947), when I read his delicate and yet tough-spirited poems of love. Even in translation, which is how I must read them, Israeli writers seem uniquely themselves.* Israel is a complex world indeed, nearly as complex as our American world but more compressed and urgent, as though it were a new form of consciousness in the making. □

*Among other useful books, the following anthologies are readily available: S. Y. Penueli and A. Ukhmani, editors, *Anthology of Modern Hebrew Poetry*, two volumes, and *Hebrew Short Stories*, two volumes, both published by Institute for the Translation of Hebrew Literature; Stanley Burnshaw, T. Carmi, and Ezra Spicehandler, editors, *The Modern Hebrew Poem Itself*, published by Schocken Books; and Joel Blocker, editor, *Israeli Stories*, published by Schocken Books.

The Other Revolution

SISTERHOOD IS POWERFUL: An Anthology of Writings from the Women's Liberation Movement. *Edited by Robin Morgan. Random House. 602 pp. $8.95. Paper $2.45.*

WOMEN'S LIBERATION: Blueprint for the Future. *Compiled by Sookie Stambler. Ace Books. 283 pp. Paper 95¢.*

VOICES OF THE NEW FEMINISM. *Edited by Mary Lou Thompson. Beacon Press. 246 pp. $5.95.*

MURIEL HAYNES
Miss Haynes is a critic with special interest in the theory and writings of the new women's movement.

In her introduction to *Sisterhood Is Powerful*, Robin Morgan describes the book as "an action. It was conceived, written, edited, copy edited, proofread, designed and illustrated by women." Such an enterprise has its own symbolic satisfactions. Whether the two other collections of feminist writings at hand reached publication by way of a similar concentration of all-female energies is doubtful, and in any case, hardly matters. However, the very existence of three anthologies, barely four years after the movement's start, in itself represents a significant action for propagating the feminist faith, simply because of the abundance of badly needed information these books supply about its attitudes and aims. Women's Liberation has been pretty well manhandled (there is no better word) by the media. Its brief term as a transitory entertainment feature has just about expired. Now its threatening implications are being obscured (and contained) by solemn discussions which are chiefly a rehash of that venerable polarity, the home and the world of affairs. Thus these original texts can be only educational and corrective of popular misconceptions. The three volumes have been written, not by outsiders or journalistic pundits, but by women who are themselves participating in the movement right now, as activists or theoreticians, or both.

The greater number of pieces in *Sisterhood Is Powerful* and *Women's Liberation* derive from the communications network of newsletters, leaflets and journals that sprang up with the first whisperings of the movement, as a forum for the exchange of ideas among groups. They were initiated also to encourage women to express themselves freely, to gain confidence in setting down their views. On the evidence, this opportunity appears to have been eagerly embraced; in the age of universal literacy, revolution takes to the written word with even more alacrity than to the streets. One or two of these periodicals have reached the newsstands, but their circulation is largely, and intentionally, within the movement, their existence pretty much unsuspected by the general public. For most readers, the contents of these two compilations will be completely fresh material, with the possible exception of two separate excerpts from Kate Millett's *Sexual Politics*.

The editors have selected judiciously —no easy job, for there isn't an hour of the day when a woman whose consciousness has been raised, doesn't receive some fresh reminder of her predicament. Much of the early evangelical fervor and the cries of pain ("We have done no more than scream and we were heard," as the editors of a Boston journal put it in their second issue), have been weeded out; there is less rhetoric and more reasoning here. This is good personal journalism, some of it flecked with wit, though it is rarely amusing. The sketch "Body Odor and Social Order" by Florika in *Sisterhood Is Powerful* alone hovers on the edge of black humor. "The aerosol spray container reveals that the roles of the policeman and the middle-class housewife are inter-changeable." No composite feminist rises with upraised right arm from these pages. Instead there is a parade of spunky personalities, disclosing their individual discoveries and frustrations—professional, social and psychosexual. A woman reader will meet herself again and again; a man (and it is hoped some will be sufficiently curious to explore this territory) will learn things about women, and himself, that he has probably never dreamed of.

Included are autobiographical accounts, and social and political analysis. Reports are made on the law, the church, schools, offices, factories, hospitals, the welfare rolls, the bedroom and the kitchen. There are poems in *Sisterhood Is Powerful*; a short story and a playlet in *Women's Liberation*. Put the pieces all together and they spell revolt.

The two collections are complementary, extensions of each other rather than competitive. *Sisterhood Is Powerful* is the more comprehensive. Its articles range from a moving statement by a Chicana to a history of women in the People's Republic of China. The book

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aims to be the complete guide and handbook for feminist revolutionaries, giving suggestions for "verbal karate" and reproducing contemporary key documents, from the platform statement of NOW to Valerie Solanis' SCUM manifesto. A lengthy appendix carries a full bibliography, with a "drop dead" list of books to watch out for, a section on abortion counseling, and the names and addresses of women's groups and publications across the country. In the realm of hard fact, Joreen's "The 51% Majority: A Statistical Essay," and Lucinda Cisler's exhaustive article on birth control say just about all that can be said on the two subjects of women's employment inequities and the way it is (still not good) with contraception and abortion. And there is Naomi Weisstein's "Kinder, Kirche, Kuche and Scientific Law," a by now famous Liberation text, exposing the patriarchal bias in psychological testing of sex differences.

Sookie Stambler's anthology, *Women's Liberation*, is a shade less hefty, but it fills in some gaps with Elizabeth Fisher's attack on sex stereotyping in children's books and a painfully truthful examination of "How Women Are Kept Apart" by members of the Red Stockings Collective. The ups and downs of life in a commune are described. Married women with children who may feel it's too late for their liberation should take heart from Alix Shulman's account of the way she and her husband broke down the sex role barriers in a quite remarkable "Marriage Agreement." Both *Sisterhood Is Powerful* and this anthology let black women, high school girls and radical Lesbians have their say.

With *Voices of the New Feminism* comes a change of tone. The sound of passionate protest drops down several decibels, as the average age and professional authority of the contributors rise. Most of them are old hands in the women's rights struggle, with roots in the reformist tradition. Their writings have been collected under the auspices of the Unitarian Universalist Women's Federation. Implied, if not stated, in the careful explanatory preface to each article, is the disclaimer that the opinions presented are not necessarily those of the management. Still, my list of minimum essential reading from these anthologies would include three essays from this particular collection.

Pauli Murray, a distinguished black lawyer and civil rights activist, makes a plea for black women to join the fight against sexism. Her thesis is that for members of a black female population outnumbering black men by half a million, that struggle is the only hope for freeing themselves from the special pressures and conflicts imposed on them by race and sex alike. This volume also carries a reprint of the 1968 United Nations report on the status of women in Sweden, where the government has already moved vigorously to end women's cultural and economic oppression through such measures as child allowances, free maternity care, expanded child-care centers and educational policies designed to eliminate sex roles. "If women are to attain a position in society outside the home which corresponds to their proportional membership of the citizen body, it follows that men must assume a greater share of responsibility for the upbringing of children and the care of the home." Conceivably, this Swedish program, still in the process of development, could do more to hasten the undermining of the patriarchal system and the possessive privatist character of the nuclear family than any amount of utopian emotional grandiloquence. But then, the Swedes are a rational people, bearing little resemblance to our own legislators who are still fiddling around in 19th-century flutters with an Equal Rights Amendment. Yet individual communities in this country might work out adaptations of the Swedish model to fit their own needs.

Finally, Alice Rossi's sociological examination of old and new ideologies of equality is useful for its intellectual balance, though it is academic in expression and makes no original points for sophisticated readers. Its merit is the avoidance of journalistic labels and political cant, as it guides the women's movement past liberal notions of reform into that changed social consciousness of which the younger generation is the channeling spirit. The essay exemplifies the radicalizing force of the new feminism on Miss Rossi's own ideas; in fact, this anthology as a whole is evidence of the same process. Back in 1962, its sponsors published a similar report in which earnest discussions of community service and admonitions to "cultivate our garden" had a conspicuous place—and not a black woman in the book. Catching up with a vengeance, the present collection has an article predicating women's liberation on a swing to socialism, originally published in the *International Socialist Review* in 1955. And space is given to "Female Liberation as the Basis for Social Revolution," a call to arms by the young feminist militant Roxanne Dunbar.

No question, sisterhood *is* powerful. And it has hardly begun to fight. □

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A Poetry of Darkness

THE CARRIER OF LADDERS: A Book of Poems. *By W. S. Merwin. Atheneum Publishers. 138 pp. Paper $3.95.*

THE MINER'S PALE CHILDREN. *By W. S. Merwin. Atheneum Publishers. 235 pp. $6.50.*

RICHARD HOWARD

Mr. Howard's fourth collection of poems, Findings, *will be published by Atheneum next spring, when he will be Swiggett-Baines Distinguished Lecturer in Poetry at Princeton.*

Merwin's seventh book of poems is of course his best—of course, because he has made his career what the word means: a course, a passage out, with just those overtones of self-overcoming which bring this book, so rewardingly, into the homestretch.

The new poems are the progress report and the prognosis of a development which has been under way, in terms of prosody, in Merwin's last two books of verse; in terms of imagery, in the last four. They are intimate poems, but not in the least personal—there are no persons here, nor even personifications. There are presences, and they support processes which afford the speaking voice an access to prophecy, by which I mean the capacity not to predict the future but rather to release the present: "key/unlocking the presence/of the unlighted river/under the mountains." For Merwin, for the poet who is the one voice raised in Merwin's book, anyone or anything can be the "key"—another person, his own body, an event, a landscape—the key to darkness, to unconditional life. That is the real goal of these poems, what they are developing toward: a quality of life which used to be called visionary, and which must be characterized by its negatives, by what it is not, for what it is cannot be spoken.

A phenomenology of darkness, then, of loss, absence and removal, will govern the imagery here—as Merwin says in the poem actually called "The Removal": "the soles of our feet are black stars/but ours is the theme/of the light." And a prosody of pauses, of halts and silences which will let the language thicken to unwonted suspensions, enjambments which reveal, chiefly, *weight* to the ear hasty for conclusions, as they show *disparity* to the eye seeking recurrence.

And if the source and subject of the poems is a vision of integrity, of a life entire, unmediated by any expectation but that of death, their enemy is division. "What I live for I can seldom believe in/what I hope is always divided," Merwin says in "Plane," the determinative first poem:

my mind infinitely divided and hopeless
like a stockyard seen from above
my will like a withered body muffled
in qualifications
until it has no shape
I bleed in my place
where is no
vision of the essential nakedness of
the gods . . .

Undivided life, which means unqualified life: many of these poems will be concerned, therefore, to put off the past—the social past ("my father has voted for me/I say no I will vote in my own name") and the cultural past ("it is true that in/our language deaths are to be heard/at any moment through the talk"); indeed, the very gesture of poetry as we have it from the past is questioned in all these poems:

. . . the ends and the beginnings
are still guarded
by lines of doors
hand in hand
the dead guarding the invisible
each presenting its message
I know nothing
learn of me

Yet these poems also make it their concern to resist expectations of the future, hopes, assurances ("if I can say yes/I must say it to this/and now/trying to remember what the present/can bless with/which I know"). The exultation must be *now*, it must not depend on what we have had, it must not count on what we may have; and *now*, as we all know, is *never*—untenable, untenantable. The exultation, then, will be an ecstasy of loss, the sense of what Wordsworth called fallings from us, vanishings, yet experienced as a revelation of ourselves, a birth:

the birth of speech
that must grow
in pain . . .
oh objects come and talk with us while
you can . . .

The present can be realized, Merwin psalmodizes, only by reversing the signs, in proportion as one cancels out the data of an irreversible course: "I am the son of thanksgiving but its language is strange in my mouth/I am the son of the future but she shows me only her mourning veil/I am the son of the future but my own father. . . ." Forever beginning again, emptying his hands, the poet assumes—in deprivation, loss, absence—that emblematic accountability which was his ancient privilege when he possessed those powers of which he has been stripped, the conviction that his separated, perishable fate may yet be of use to us, a talisman to the City; the sense that precisely because his heart is "beating by itself" he may understand, may nourish our impulse.

An irreversible course "which prizes less/as it receives than as it loses" is what Merwin would versify, hence what he must oppose, for the entire justice of verse is precisely that return, that reversion, that recovery of constants in experience which can be varied or departed from because acknowledged to be there. And Merwin acknowledges nothing to be there ("silence the messenger runs through the vast lands"): his verse is verse only because he declares it to *have been*: "a country he thinks is there because/he thinks he left it." Whence a saving tension in these poems, a continuing struggle between the cry and the crater, the hymn and the silence. In the last poem, "In the Time of the Blossoms," Merwin ends his long unpunctuated litany of dispossessions with an imploring look at (what else?) an ash tree:

on white heaven
staves of one
unbreathed music
Sing to me

That capital letter tells us: we are overhearing an invocation to the deciduous life, source of all this song.

There is no such agon in Merwin's copious prose, no such relentless twist of idiom in the systematic destructions which constitute *The Miner's Pale Children*. For prose is the proper medium for removals, separations, "the blandishments of decay," and with remarkable ease Merwin parades his mastery of half a dozen tonalities—fussy aridities and rich mythologizing, emblems, tales, memories, riddles. The book is arranged with a distinct presentiment of a design upon us, from the first piece, "The Dwelling," in which Merwin announces that "disappearance could be considered a kind of beginning," to the last, "Dawn Comes to its Mountain in the Brain," in which he celebrates "a darkness like the darkness in wires through which a message is flowing . . . and a silence like that around a wire through which a message is passing." Between the disappearance at the outset and the silence at the end occurs a great deal of undoing, dissolving, erasing. Indeed, in one of his characteristically named fragments, "Forgetting," Merwin interrogatively defines and describes the nature of his prose: "Was its disappearance what it was? . . . It has to pass through us in order to reach us. It has to go through

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us without pausing in order to be clear to us: will we be able to receive it? Will we not be in our way?"

And certainly all these texts are so many efforts, whether parodic, lyrical, emphatic, even critical, to get out of his own way, to become transparent. "I am an abyss that I am trying to cross," Merwin announces, "an absence waiting for what belongs to it." The hope here is to rid the self of the self, to be born to the world, to be silent—and that is the supreme aspiration of prose. As Merwin says in "Knives," speaking too of the cutting edge of his fine-honed utterances, "we see only the service we ask of them—separation, separation and pain. Without which, as we say, we would be nothing."

The imaginative largess of this book of prose is astonishing. Clearly, the negative offers Merwin a mode of getting on with his undoing which is as prodigal as all our pieties about "creativity," about "affirmation": "he could hear the pain of disappearance itself," he says of one of his creatures, "of which night is one form and day another." King Lear was wrong—everything comes of nothing, or out of nothing. And by the agency of prose it goes on, leaving behind only history—which Merwin calls the form of despair reserved for the living—and darkness ahead. How well Merwin has listened to Beckett: "The voice must have come. Because it has gone." And how hard he has looked at Magritte: "An occasional glimpse through an open window of a fly on an empty table, or a plate standing on edge." Fragmentation and forgetting are the method this writer employs to use himself up, to exhaust himself in "a travail which in itself of course is a delivery from confinement." Forgetting, because we are fallen creatures, because, as he puts it, "there is no returning to the ungrieved world. Now that it no longer exists, it never existed." And fragmentation, because the process is linear, persistent, unending; as he says in "The Fragments," a perfectly named morsel, "parts of it keep appearing. I have begun to have glimpses of all that I am doing, crossing the place where they have all been satisfied, and still finding fragment after fragment."

In one of the great "Psalms" from *The Carrier of Ladders*, Merwin makes a discovery: "in front of me it is written/*This is the end of the past/Be happy.*" And in one of his fragments from *The Miner's Pale Children*, he glosses that discovery: "most of what we call our virtues have been made of necessities by processes we later tried to forget." Poetry then is the felicity of a redeemed world, ungrieved, regenerate. And prose? A *fabula rasa.*

I have not attached the usual tags of praise and blame to these enterprises which are so complementary, so instinct with one another's energies. Merwin long ago reached what I should call his majority as a poet, and when a man travels this far—or craves so to travel: "if only we could set out now, just as we are, and leave ourselves"—it is impertinent to assign grades, to hand out marks. The interesting thing is not to say that Merwin is a wonderful poet, or a wonderful prose writer, for "how many things," as he says, "come to one name/hoping to be fed!" *One reaches for definitions and touches darkness.* Pertinent, I hope, is the application to Merwin of what he says of his man "In a Dark Square": "that though no one is listening, he repeats aloud to the darkness that he will continue to put all his faith in himself." □

'Art Is a Country by Itself'

A VOYAGE TO PAGANY. *By William Carlos Williams. New Directions. 267 pp. $7.95. Paper $2.95.*

GILBERT SORRENTINO
Mr. Sorrentino is a poet and novelist. His latest novel, Steelwork *(Pantheon), has just appeared.*

In a nine-year period, beginning with *Kora in Hell* in 1920 and ending with this—happily reissued—first novel, *A Voyage to Pagany* in 1928, Williams published six books, the other four being *Sour Grapes* (1921), *Spring and All* and *The Great American Novel* (1923), and *In the American Grain* (1925). With this decade's work, the artist all but single-handedly invented modern American literature. *A Voyage to Pagany* is, in a sense, a reprise of the bitter truths Williams came to embrace during these ten years. It is a beautiful novel, unorthodoxly impressionistic, written in that tough yet delicate prose of which Williams was always the master. Among the American novels published during the twenties, it has perhaps two peers—*The Great Gatsby* and *The Sun Also Rises.* Yet it received little or no attention, nor, for that matter, did its author, this greatest of American poets, receive much more until he was 60.

America eats her artists alive. *A Voyage to Pagany* tells about the European sojourn of an obscure American writer, a Dr. Evans (Dev), who refuses Europe's blandishments and returns to his own barbarous country to live and work in almost complete obscurity. Williams made the same decision for himself, somehow drawing from the air and soil of his small New Jersey city the power to make a granite American art, one that would embody the isolated flashes of beauty scattered and dying in this numbed culture. That he succeeded in making this art has become blindingly clear, even, perhaps, to those who not too many years ago thought of this supreme writer as a "provincial" who "observed" small-town life. Provincial indeed! As provincial as Cézanne.

In *Paterson,* Book I, the poet writes of those American artists who expatriated themselves to Europe:

> *a sort of springtime*
> *toward which their minds aspired*
> *but which he saw,*
> *within himself—ice bound*

"Ice bound." In *A Voyage to Pagany,* Lou Martin, the woman who leaves Dev in order to marry a rich Englishman, says to him: "Dev, there's something the matter with you. You don't register. What in the world are you about? What does the world mean to you? You don't seem serious. You frighten me. Really, I don't understand you. I want someone I can understand. You are—You should protest more. You shouldn't lie there and take this. Why don't you do something about it? What is the matter with you?" And Dev replies: "To be young, to be gay, to be clever, and not to know where one is going, nor why, nor how? Very well. Less intoxicating is to go differently." The conversation is analogous to others he has in the book with his second lover, Grace Black, with his sister, Bess, with the German girl, "The Venus," he meets in Italy. They are bewildered by him, troubled, angry. There is in him something "fine," that should be allowed to flower—in Europe. Yet there is also that icy core that compels him to insist on returning to America, there to work out his art and his life. He loses all these women, even his sister, with whom he has a relationship bordering on the incestuous, when he decides to go back home: but home is —where? To his sister, drunkenly pleading with him to stay with her in Europe, in France, where the country has somehow a connection with "purity," a purity that can sustain him, he says: "Bess,

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you don't know what you are talking about. Art is a country by itself."

It was to this country—even in the midst of a life more "American" than most literary Americans could ever dream of living—that Williams exiled himself, working in almost total darkness, by trial and error, to hammer out an art that would express the vitality and vulgarity of the American experience. We see, after all these years, that it is to Williams we must go even to begin to understand just what has hit us. His work allows us to comprehend the decline, here, of the last seventy years. *A Voyage to Pagany* is everywhere dark with the knowledge of this decline and fatalistic concerning it—so that Dev's "country of Art" appears to be that place in which something can be kept clean, saved from the general decay. Yet it is only amid the decay that those "isolate flecks" are to be found upon which the imagination can seize to perceive the reality of America.

Williams' vision is essentially bleak and tragic—not anything so fashionable as pessimistic. Here is America, the artist says. Let us investigate it and see what it is. It is dead. What has it done to its people? They are ruined. Who besides Williams, in the context of the twenties, would say: "The pure products of America go crazy"? He did not mean silly or zany or "freaky"—he meant insane. "As if the earth under our feet were an excrement of some sky," the poet says, "and we degraded prisoners destined to hunger until we eat filth." Yet this writer is continually referred to as "warm"; his brilliant work with a variable measure thought of as "confused"; until ten years ago he was often spoken of as a "primitive"—a kind of literary Grandma Moses; a critic has recently written of his "child-stance"; others safely tuck him away as a "chronicler" of industrially blighted north Jersey.

I submit that we cannot really face him, for the tragedy he presents to us is the tragedy of our own lives, unique and specific. The corruption of New Jersey's industrial cities is an effect of the ineradicable sickness in America's soul. We must call the poet's terrible clarity provincial or regional to save ourselves from its devastating power. His work is specific—and how can we Americans face that, who are such saps for the grand statement, the allegory, the symbolic gesture, the "truth that lies beneath the surface"? There is nothing but surface, over which the imagination plays: and the master of the imagination is the artist. So that what Williams says must be repugnant to us. Religion is dead, as is politics, business, philosophy—all the gods we serve. Only the imagination can save us by allowing us to see, momentarily, the truth. We see it best when it is embodied in art; therefore, trust the artist. No good American can accept that hilarity. Art, we all know, is irrelevant. So we persist in our "changing" and "reforming" and "bettering"—while drowning in bitterness, our hearts cold.

"Art is a country by itself." Indeed. Which many leave, and others plunder. It is a "backward country." So Williams, and Dev, returned to it. This novel serves as the base upon which the artist built for the next thirty-five years. The naturalism of the Stecher trilogy—that supreme investigation of success—as well as the genius of "Asphodel, That Greeny Flower" rest on its structure, and *Paterson* is its ultimate reason for being. Nothing is irrelevant to its texture; chance encounters and fragmentary scenes set the tone of the book; beyond impressionism, realism, and narrative, it "places" itself as a remarkably modern work. It is not a great novel, but one of the many pieces that go to make up the great art of this master. □

The Terror of Love

THE WHEEL OF LOVE; And Other Stories. *By Joyce Carol Oates. Vanguard Press. 448 pp. $6.95.*

CHARLES LAM MARKMANN
Mr. Markmann, a frequent contributor, is a journalist, critic, novelist and translator. His latest book, The Noblest Cry *(St. Martin's Press), is a history of the American Civil Liberties Union.*

In a very short time Joyce Carol Oates has produced an astonishing number of books and received an amazing amount and variety of acclaim. There is an age-old belief that anyone who does so many things so quickly must of necessity do them badly or superficially or otherwise reprehensibly; and it is regrettable to observe how much loyalty this folk notion commands even among the otherwise intelligent and discriminating. There is a parallel belief—strongest, it must be confessed, among just those intelligent, discriminating persons—to the effect that anyone who attracts more than minimal and esoteric praise must be second-rate. True believers would therefore be morally obliged to reject *The Wheel of Love* and its author out of hand.

Nothing could be more mistaken. Every one of these twenty stories is at the very least a respectable creation, and a surprising number deserve to be called accomplished in every sense of that word. There are a density and force in each of these compact works that come from a touch with words as sure as Richter's at the piano. No word is ever superfluous, as no image is either forced or flat. Form and content alike are constant in their intensity.

This is indeed as it should be, since the subject of all the stories is love—whether the love of men and women, the love of parents and children, the love of friends, or the love of love. All Miss Oates's characters may fairly be said to be, as she herself describes one of them, "trapped in love, in the terror of love." In every ecstasy there is a terror, and it is the terrors, not the ecstasies that contain them, with which these stories are concerned.

In almost every case it is the terrors in the minds of women that are foremost—their own and their perceptions of those of men. These are rarely, in either gender, spectacular, of the kind that can afterward be recollected and savored in tranquillity; they are chiefly the chronic, unvarying terrors to which in real life there is never an end, only an occasional intermission. None of these is exploited, in the vulgar sense: very often their full import is not stated and indeed is not grasped until after the story has been read, and its people have thrust themselves into our world.

Miss Oates's characters—the unfaithful wives, the "delinquent" girl, the victims of parents, the frightened solitaries, the self-indicting mothers—have no connection with the movement for women's liberation, yet it is difficult to conceive of more convincing arguments for a new sexual polity than these stories, so compassionately yet relentlessly uncovering the erosions wrought on women and men alike by our best-of-all possible arrangements. Like so many women in life, Miss Oates's fictional personages recognize how much weaker men are than they. Some, like Nina in "The Heavy Sorrows of the Body," are driven to win and can say of a union, as Nina says of hers with Conrad, "It was a duet, a duel." Others, like the anonymous narrator of "I Was in Love," must lose by punishment of self or others because they cannot punish husbands or lovers, and in the end the weak must have the victory or (what they so frequently confuse with it) survival.

The inner struggles of the parent with

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his contesting drives toward child and lover are nothing new, and indeed get little attention from Miss Oates—who, on the other hand, magnificently if mercilessly presents the matter from a small boy's viewpoint in "Wild Saturday." She is equally effective in creating women whose love for men is to be realized only at the expense of guilt toward mothers or fathers who, for more reasons than the banally Freudian, will not let go. Two stories in particular, "Demons" and "Matter and Energy," are almost archetypes of such situations.

Though one of the least successful stories is told from a man's rather than from the prevailing woman's viewpoint, this is not to be taken to mean that Miss Oates is precluded by gender from successfully creating male characters. Often, it is true, the men in her stories are secondary, sometimes even shadowy. In "Convalescing," on the other hand, she has fashioned a thoroughly credible figure—David, the victim of an automobile accident that has reduced him almost to nonbeing. This story is one of her best. In a few hundred spare words she creates—she imposes—an automobile crash a thousand times more overwhelming than the painstaking accumulation of those in Godard's *Weekend*. The story develops and modulates like the movements of a symphony, with a flow and a logic that are incontestable.

Often Miss Oates's perceptions are clinical in their thoroughness and accuracy, yet they are never without tenderness, no matter how unfashionable that quality may have become. Never does she permit herself, however, the vulgarity of sentimentality; all the more reason why one will not forget the jealous daughters, the tortured wives, the frightened widow who knows, opening the door to a virtual stranger, that "she will see his eyes and the eyes that are inside them." The title of that story is "What Is the Connection Between Men and Women?" The reader of all these stories learns a good deal about what is the connection between person and person. The wheel of love does not stop turning: and everything before it, whether yielding or defiant, it runs over. □

ART / Lawrence Alloway

The Whitney Museum, once a dull place, has become an effective institution. Just now it houses exhibitions of Thomas Eakins, Georgia O'Keeffe, Louise Nevelson and Jackson Pollock. The one I intend to write about is the O'Keeffe retrospective, but first I shall mention an exhibition that has been agitating the museum staff and some artists since last spring. The Whitney Annual (of sculpture this time) is scheduled to open December 12, and it has been subject to pressure during the planning stage from the Art Workers' Coalition, the Art Strike, and Women Artists in Revolution (WAR).

Members of these groups are using the occasion to agitate for 50 per cent women in the Annual. "This figure is based," to quote from a letter to the museum, "not only on a history of willful negligence but on the fact that 53 per cent of the American population is female." (Presumably it is estimated that 3 per cent of the female population is not into art.) An additional demand has followed from Women Students and Artists for Black Art Liberation (WSABAL) that 25 per cent of the artists in the Annual be black as well as female. Not unexpectedly, the Whitney rejected the quota system as a means of putting on shows, but will certainly increase, so far as is compatible with seeming to stay in control, the showing of art endorsed by lobby.

Protest has not been restricted to routine verbal forms; eggs and Tampax have been scattered about the museum galleries, apparently as reminders of revolutionary vigilance. It is noticeable that none of the women concerned about the Annual has expressed any interest in the present shows at the Whitney. O'Keeffe is present in depth, and there is a group of newly acquired works by Louise Nevelson. In an interview in *Aphra* recently, Nevelson indicated some of the pains and problems of a woman artist in the 1940s and early 1950s. "A man sculptor said to me, 'Louise, you don't want to be a sculptor. To be a sculptor, you've got to have balls.'" But the only interest that the protesting women have in the museum seems to be about a future show in which some of them might be represented. Sisterhood is not seen as extending to women who have made it on their own, without the aid of peer-group agitation. The suspicion that career is the cause for some of the "revolutionary" artists was first raised last year by the AWC attack on the First Generation show at the Museum of Modern Art. It was couched in terms that placed the acquisition of young artists' works above reparations to the

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neglected Abstract Expressionist generation.

Although I think that Georgia O'Keeffe has been overrated by the nature lover that lurks within most of the older art critics and curators of American art, her *oeuvre* is substantial. By comparison with artists who shared with her the patronage of Alfred Stieglitz, she is better than John Marin but not as good as Arthur Dove, with whom she has ideas in common about the sanctity of nature as subject matter. Starting in 1929 O'Keeffe spent her summers in New Mexico and after 1949 lived there all the time. Before that, from 1918, she summered at Lake George, and the uninhabited landscape with cosmic implications was her theme. She has come to be the *type* of artist who rejects the man-made object in her work and whose life is a stance of secession. (She made some vivid urbanistic paintings in the 1920s, but these are not her central emphasis.) Hers is an art of stillness, and the austerity of her works gives them a dignified presence in museum collections and in mixed shows. Seeing about 120 works (from 1916 to 1970) at the Whitney, however, reduces somewhat the composure of the individual works, as the habits and repetitions of her style emerge.

It is customary for the authors of monographs on American artists to defend them from all movements. Lloyd Goodrich performs the rite of purification in the catalogue when he protects O'Keeffe's paintings of bones from contamination by Surrealism. First he quotes the artist as saying, "I was in the surrealist show when I'd never heard of surrealism," which sounds like having your cake and eating it; and Goodrich points out, secondly, that the movement was not "acclimated in America until the late '30s."

The aesthetic of found objects, which is really at issue, is wider than Surrealism. Certainly from 1926, when she started her "Shell and Old Shingle" series and painted close-ups of open and closed clam shells, O'Keeffe depicted found objects (and leaves in 1928, skulls since 1931, pelvises since 1943, and so on). There can be no doubt that she was *au fait* with what David Bourdon has called "the driftwood aesthetic." This was a transposition of Dadaist acts of choice among man-made objects to the realm of nature. Where the Dadaists were polemically extending the definition of art (such as Duchamp's urinal entitled "Fountain"), objects found in nature affirmed the kinship of man and natural forces. "Man is not the only artist," as Sir Herbert Read pointed out in defense of organic objects in art or as art. Thus O'Keeffe's use of objects is fully in keeping with the driftwood aesthetic, which is not specifically Surrealist, but why didn't Mr. Goodrich discuss this instead of conferring an empty sovereignty on her? Edward Weston's nature photographs (dunes and roots) are a part of this sensibility, as are Brancusi's logs, Henry Moore's taste for "smooth, seaworn pebbles" (1934), and Hans Arp's bland, fruity sculptures.

The obstinate fact is that hermits date from the moment of withdrawal and the reduction of input that follows. Miss O'Keeffe's probity and discipline, her refusal to be fussed, acted to trap her all the more securely in the assumptions of her period. That these assumptions have not been formally identified as a movement does not lessen their group characteristics. This is a nature art based on single objects, weathered textures and body correspondences, and it was ubiquitous between the wars. Consider, too, O'Keeffe's formal resources, such as sinuous and protracted parallel lines and continuous surfaces graded smoothly from shadowy groove to gleaming highlight. This is the idiom of Art Deco. O'Keeffe's art in a way is a fusion of two ideas: modernity is smooth and nature is vast. Hence the streamlining of her forms acts as an organic metaphor of time, while preserving the sleekness of a teapot by Jean Puiforcat or an Alva Aalto chair. □

POEM

Here comes a
Dropped out
Gypsie Rosed
Reefered
'Gatored
Silk suited
Afroed
Longboned
Eighteen
1-A Hustler
with a
Girlfriend
Baby born
Breadless
Welfared
Not High
Rent due
Check stolen
Straight-faced
RAP.
What's happening
Cyril?
How's your bad self?

Kathryn Kilgore

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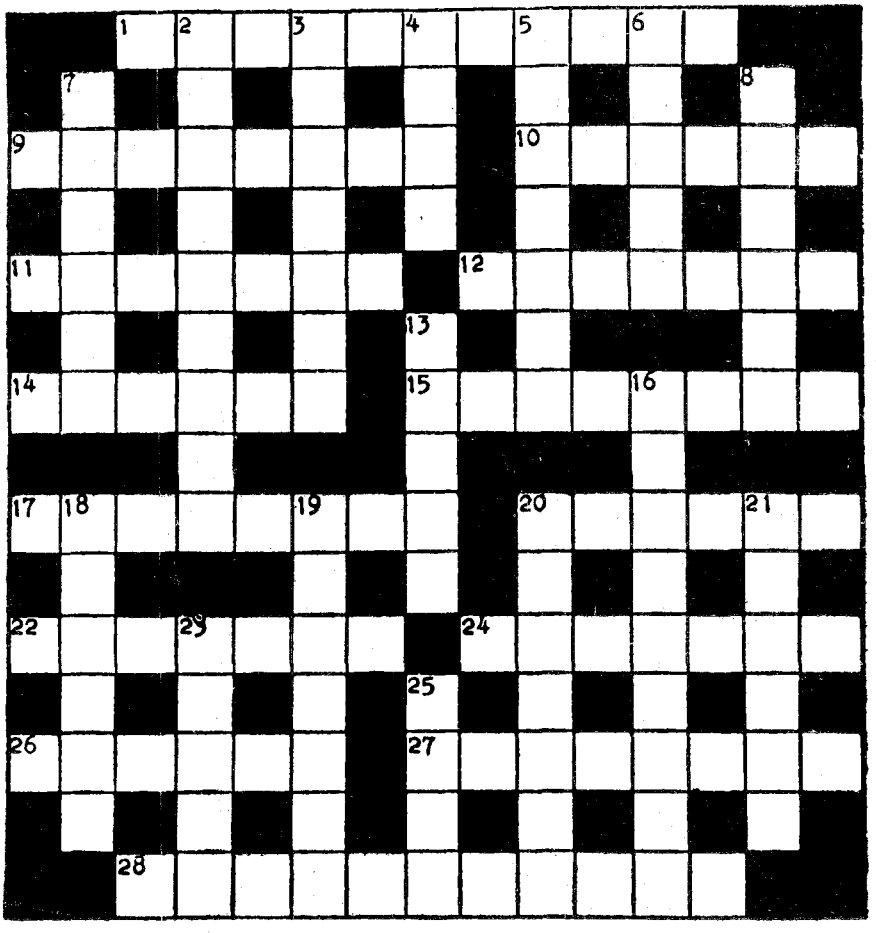
Crossword Puzzle No. 1372

FRANK W. LEWIS



ACROSS

1 and 13 down From cigarettes in police-state prison interrogation? (5-6, 5)
9 and 23 down What one doesn't plan to have lying where you can see the poor-risk type. (8-5)
10 Bill could find it out of the running.
11 Not one of the good guys who gets sick to no account! (7)
12 and 21 down Evidently the ship's stores aren't protected by grillwork, as everything goes. (2,5,6)
14 Holiday drink—one taking three grand to make? (6)
15 Could bring about a bad end, using such a worthless check! (8)
17 Leaving out nothing on diplomatic business? (8)
20 Reputedly blue flower? (6)
22 Might be responsible for a certain amount of inflation. (3,4)
24 Employers around the old town take a lot of interest in their work. (7)
26 What's forbidding about French and makes one go out of the way? (6)
27 Struggled with a point the others got ahead of. (8)
28 Loudly demanding attention takes a little time with a Buddhist conservative! (11)

DOWN

2 In the script of a current Broadway production? (Such cracks are fine, otherwise.) (9)
3 The first "R" of "Mock Turtle." (7)
4 Moral obligation, possibly with some import. (4)
5 Apes typified by one whose decline is well-known. (7)
6 The muse of 16 down. (5)
7 Vice, possibly. (6)
8 Bumble, for instance. (6)
13 See 1 across.
16 Taxonomic categories on the rise? You might get a charge out of it! (9)
18 The post might be protected by metal. (6)
19 It's not nice of one with a couple of thousand not written down. (7)
20 What one might do with skunks on the way down? (7)
25 The current trend of affairs might make the head in 3 down. (4)

SOLUTION TO PUZZLE No. 1371

ACROSS: 1 Pancake landings; 9 Niche; 10 Emphysema; 11 Torment; 12 Amassed; 13 Augusta; 14 Despair; 16 In a huff; 19 Left jab; 21 Nippers; 23 Malacca; 24 Adverbial; 25 Imine; 26 Kitchen cabinets. DOWN: 1 Punctuation mark; 2 Nicaragua; 3 Ageless; 4 Electra; 5 Applaud; 6 Dry laws; 7 Needs; 8 Standard bearers; 15 Adjective; 17 Unearth; 18 Fustian; 19 Lamella; 20 Fellini; 22 Pivot.

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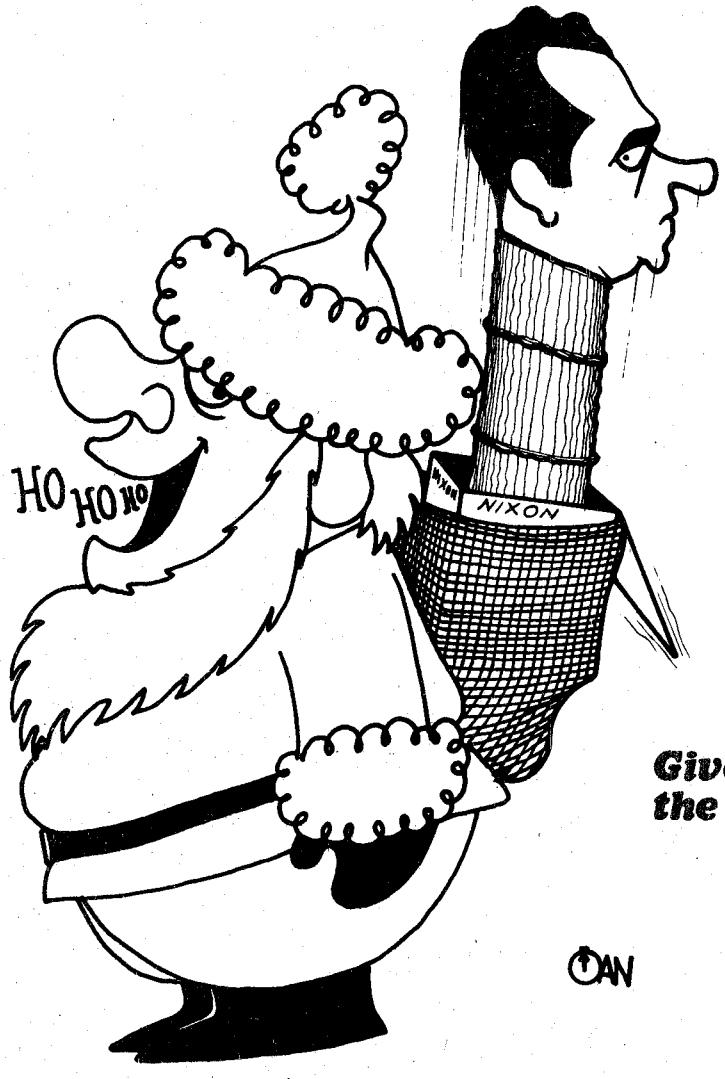

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